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ABSTRACT

This monograph is intended to provide technical assistance for the implementation of the transition requirements of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) of 1997. Following an introduction, individual sections present: (1) a description of the importance and intent of transition requirements for youth as they prepare to enter the adult world; (2) a recommended process for developing Individualized Education Programs (IEPs) that include the transition requirements; (3) a checklist of the transition requirements; (4) commonly asked questions and answers (concerning IEP content, transition participants, parent participation, agency responsibilities, and graduation); and (6) a summary of monitoring findings and studies related to implementation of the transition requirements. Appendices include a sample IEP and samples of student, parent and agency invitations, follow-up letters, and transfer of rights documents. Also appended are the IDEA '97 transition related amendments and final regulations. (Contains 170 references.) (DB)

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THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1997

TRANSITION REQUIREMENTS

A Guide for States, Districts, Schools, Universities and Families

May 2000

Collaboratively developed by

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Office of Special Education Programs

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Additional information regarding how the transition requirements of IDEA '97 apply for your state can be obtained by contacting your state department of education.

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Section I:
Introduction

Purpose

The purpose of this monograph is to provide technical assistance for the appropriate implementation of the transition requirements of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) of 1997 and the final regulations published on March 12, 1999 (http://www.ideapractices.org/lawandregs.htm). This monograph is designed to clarify the transition requirements of the IDEA, provide samples, and suggest practices to implement those requirements.

The intended audience for this monograph is broad: state, district and school personnel; families and institutions of higher education.

It may be used by state education agency personnel, local education agency administrators, and teachers as a basis for evaluating and improving the transition requirements in Individualized Education Programs (IEPs). Students and families may find it useful to enhance their understanding of the transition requirements and their capacity to actively plan for the student's future. Institutions of higher education could use it as a teaching tool and resource. Readers are encouraged to use the checklists, letters and forms that are included and to adapt them as needed. Be sure to check with your local or state special education agency for rules or forms particular to your state or school.

Throughout the document the authors have used ***bold italics*** to distinguish language taken from the March 12, 1999, 34 Code of Federal Register (CFR) which contains the Final Regulations for the Individuals with Disabilities Education Act Amendments of 1997, Title 34 of the Code of Federal Regulations, Part 300, cites 34 CFR§300.1 to 300.756 and Appendix A to Part 300 – Notice of Interpretation. Appendix A is very helpful in understanding the intent of IDEA. Other information contained in this document is intended as suggestions for understanding and implementing the requirements.

Effective transition planning and implementation are paramount, because special education services are ultimately intended to prepare students with disabilities to meet the adult challenges and opportunities of their communities.

This document uses the following conventions for citing from the code of Federal Regulations and from other interpretive materials that accompany those regulations in the March 12, 1999 Federal Register:

- For direct quotations from the regulations, the citation form will be: ***34 CFR§300.XXX.***
- For quotations from the Federal Register, March 12, 1999; Appendix A to Part 300-Notice of Interpretation, the citation form will be: ***Appendix A, Question XX.***

The monograph is a collaborative effort among personnel at the Western Regional Resource Center, Mountain Plains Regional Resource Center, Arizona State University West, and the National Transition Network. This document has been reviewed by the U.S. Office of Special Education Programs (OSEP) for consistency with the Individuals with Disabilities Education Act (P.L. 105-17) and the final regulations published on March 12, 1999. However, the development of the monograph was not supervised or endorsed by the U.S. Department of Education, Office of Special Education Programs (OSEP) or other agencies, so adherence to the practices it suggests does not ensure compliance. Furthermore, individual state policies may extend beyond federal requirements. Be sure to check with your local or state special education agency for additional requirements.

The monograph includes:

- A description of the importance and intent of transition requirements for youth as they prepare to enter the adult world.
- A process for developing IEPs which include the transition requirements.
- A checklist of the transition requirements.
- Commonly asked questions and answers.
- A summary of monitoring findings and studies related to implementation of the transition requirements.
- References and suggested resources.
- A sample Individualized Education Program (IEP), samples of student, parent and agency invitations, follow-up letters and transfer of rights documents.
- IDEA '97 Transition Related Amendments and Final Regulations.

We welcome your feedback on the usefulness of this monograph. Please use the feedback form in the front of the document or telephone, fax or e-mail:

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Section II:
Intent of Transition Services

Why Focus on Transition?

One of the primary purposes of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA), is to ***"ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living."***
(34 CFR §300.1(a))

The focus of IDEA has shifted from one that only provided children and youth with disabilities access to an education to one that also strives to improve results for all children with disabilities. The IDEA amendments of 1997 strengthen the role of parents in the educational planning and decision-making conducted on behalf of their children. It focuses the student's educational program on involvement and progress in the general curriculum (i.e., the curriculum that is used with nondisabled children). IDEA '97 also emphasizes the strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services, adaptations, modifications, accommodations and supports.

"High school is a make-or-break time for kids with disabilities and, for too many, it's a break time – that's why comprehensive transition planning must begin no later than age 14."
-Thomas Hehir
former Director
US DOE, OSEP

Schools, families and communities must work together to offer effective educational experiences so students with disabilities:

1) Achieve appropriate involvement and progress in the general curriculum;

2) achieve improved results; and

3) are prepared for post-secondary education, employment and independent living.

In practical terms, the very real challenge is not only to ensure that all students achieve high academic standards but also gain skills needed to achieve their desired post-school goals (including post-secondary education,

training or employment) and assume adult responsibilities in their communities. Further, the challenge is to keep all students in school and engaged in meaningful educational experiences so they will be prepared for post-secondary education, employment and independent living.

Studies examining the post-school results of students with disabilities (such as post-secondary education, employment, living arrangements, mobility and leisure) have found that a large proportion of these students do not go on for further training. Additionally, they often do not receive needed post-school supports and services and as adults are not as successful when compared to the general population (Blackorby, & Wagner, 1996; Wagner, 1991; Wagner, 1993). These findings have led to the conclusion that in order to improve the post-school results of these students, the student's educational program can no longer be provided in isolation from the student's community living, working and social environments. The transition requirements of IDEA '97 challenge education to improve the post-school results of students with disabilities by doing a better job of planning and preparing students and families for the challenges and complexities of the adult world.

At the heart of the IDEA '97 is the Individualized Education Program (IEP). The BIG ideas in IEP planning are that the team:

- Engages the student and parents in thinking about the student's goals for the future.
- Identifies the student's needs, interests and preferences.
- Knows how the student performs today.
- Identifies what the student will learn and do both this year and in the remaining years in school to achieve his or her dreams and goals for the future.
- Identifies the supports and services the student needs for success.
- Ensures that the student learns to the maximum extent appropriate within the general curriculum and environment.

The Transition Concept

The concept of transition is simple and generally has three major components:

1) Coach every student, along with his or her family, to think about goals for life after high school and to develop a long-range plan to get there.

2) Design the high school experience to ensure that the student gains the skills and competencies needed to achieve his or her desired post-school goals.

3) Identify and link students and families to any needed post-school services, supports or programs before the student exits the school system.

The student's high school program should thoroughly prepare him or her for achieving his or her desired post-school goals. The Individualized Education Program (IEP) is the legal document reflecting the commitment made by the educational agency to provide a free appropriate public education (FAPE) designed to meet the unique needs of the child with a disability. It should reflect the services and supports needed to assist the student gain the skills, experiences and connections to make the student's post-school goals a reality. The transition requirements of the IDEA '97 provide opportunities to:

- Work with every eligible student and his or her family to think about the future and plan what he or she wants to do after high school.
- Jointly plan how to make the high school experience directly relate to each student's dreams and goals for the future.
- Provide instruction, related services, community experiences, employment and adult and daily living objectives while in high school.
- Assist every student and family in making the linkages to services they will need after high school.
- Increase the chance that every student is successful once he or she exits school.

The challenge is to keep all students in school and engaged in meaningful educational experiences so they will be prepared for post-secondary education, employment and independent living.

IDEA '97 and the final regulations added important provisions to the IDEA of 1990 transition requirements. The following must be included in the IEP:

> ***"(b)(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and***
>
> ***"(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.***
>
> ***"(c) Transfer of rights. In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age***

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of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517." (34 CFR §300.347)

Since the wording in the first two items above (transition service needs and needed transition services) is so similar, there has been confusion in the field as to the difference between the requirements at age 14 (or younger when appropriate) and those at age 16 (or younger when appropriate).

Here are suggestions to clarify the misunderstandings. Among other elements, IDEA '97 requires that the student's IEP include:

- A statement of transition service needs at age 14 or younger, if appropriate.
- A statement of needed transition services at age 16 or younger, if appropriate.

For all students, starting at age 14 (or younger, when appropriate) and continuing until the student is no longer eligible for special education services, the IEP team must:

- Actively involve the student in his or her IEP development.
- Base the IEP on the student's needs, preferences and interests.
- Determine the student's post-school goals.
- Identify the student's transition service needs.

Generally, these "transition service needs" take the form of courses of study or a multi-year description of coursework to achieve the student's desired post-school goals. The transition service needs requirement is intended to assist the student make a successful transition to his or her goals for life after high school by selecting ***"courses of study that will be meaningful to the student's future and motivate the student to complete his or her education" (Appendix A, Question 11)***. Congress added this requirement to ***"augment, and not replace"*** the separate, pre-existing requirement that the IEP, beginning at age 16 (and at a younger age, if appropriate), include a statement of needed transition services. The requirement for transition service needs must be reviewed annually and continues until the student graduates with a regular high school diploma or is no longer eligible for IDEA '97 services.

For all students, starting at age 16 (or younger, when appropriate) the IEP team must:

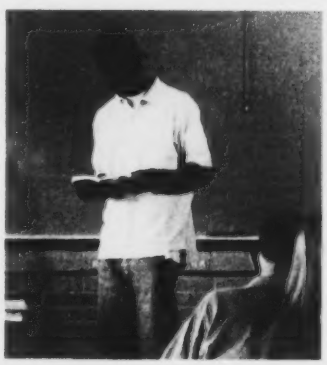
- Actively involve the student in his or her IEP development.

- Base the IEP on the student's needs, preferences and interests.
- Refine the student's desired post-school goals.
- Review the student's transition service needs, such as the courses of study or multi-year description of coursework, adjusting them as needed to achieve the student's desired post-school goals.
- Develop a statement of needed transition services.

A "statement of needed transition services" has been required since 1990. ***"The statement of needed transition services...includes instruction, related services*** (added in IDEA '97 Final Regulations), ***community experiences, the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation." (34 CFR §300.29(a)(3))***

In addition, the statement of needed transition services must also include, ***"a statement of the interagency responsibilities or any needed linkages." (§300.347(b)(2))***

To facilitate the development of this statement of the interagency responsibilities, ***"the public agency shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services." (34 CFR §300.344(b)(3))***



"Children with disabilities should be learning the same things as nondisabled children...living a full life, raising families, being part of their community."

-Thomas Hehir
former Director
US DOE, OSEP

Further, IDEA '97 strengthens the opportunities for students to engage in self-advocacy. The student must be invited to participate in the IEP meeting by age 14 or younger if transition service needs are discussed. If the student doesn't attend the meeting, other steps must be taken to engage the student in the process.

Specifically, IDEA '97 states, ***"the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services needs under §300.347(b)(1); the needed transition services for the student under §300.347(b)(2); or both.***

"If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered." (34 CFR §300.344(b)(1) & (2))

Additionally, in a state that transfers rights at the age of majority, at least a year before the student reaches the age of majority (as defined by the State), the IEP must include a statement that the student has been informed of any rights that will transfer to the student on reaching the age of majority.

IDEA '97 states that, ***"in a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517." (34 CFR §300.347(c))***

As the student nears high school completion, the IEP team should develop a plan to ensure that the student completes all necessary coursework and/or graduation requirements to prepare the student to continue with further education or work and life in the community. Appropriate linkages to services and supports the student will need when he or she finishes school should be in place before the student leaves the school setting and documented on his or her IEP.

The remainder of this document provides suggestions for how to implement these requirements.

Section III suggests steps for incorporating these transition requirements into the IEP process.

Section IV is a checklist to assist public agencies in aligning their practices with the transition requirements.

Section V is a set of questions and answers regarding the transition requirements.

Section VI is a description of what has been learned through the OSEP's monitoring of the transition requirements and other studies regarding the implementation of the transition requirements.

Section VII provides the references and resources cited throughout this document as well as an extensive set of resources available about transition and practices used in the field.

The appendices include a sample Individualized Education Program (IEP); sample letters to students, families, and other agencies; sample transfer of rights documents; and a side-by-side of the transition requirements.

Section III:
A Process for Addressing Transition Requirements in the IEP

BACKGROUND

In 1990, IDEA specified that transition services must be addressed in the IEP of each student 16 years of age and older, or younger if the IEP team considered it appropriate. IDEA '97 and the implementing regulations maintained this requirement and reinforced it with a new transition provision for students 14 years of age (or younger, if appropriate). This new provision, along with the previous transition provision, makes it clear that part of the IEP planning, discussion and decision-making must focus on designing and implementing an educational program and experiences that prepare students for adult life. Additionally, schools must assist students and families in identifying, coordinating and linking them to any needed post-school services, supports or programs before the student exits the school system.

The entire IEP for every student, beginning at least by 14 years of age, becomes future-directed, goal-oriented, and based upon the student's preferences, interests and needs.

Many districts and educators have had difficulty in the development, writing and implementation of the transition provisions in IEPs for students with disabilities. Some of the difficulty stems from a lack of understanding of exactly "what" must be done, as well as a clear understanding of "how" to do transition planning through the IEP process.

This section describes suggested improvements in the IEP process. Appendix A of this document provides a sample IEP.

Suggested Improvements to the IEP Process

In order to do effective transition planning and address the transition requirements in the IEP, a number of implementation improvements will likely be needed. These improvements may involve adjustments in:

- Who is actively involved (expanded IEP team members and roles).
- How people talk at the IEP meetings (focus on student strengths, preferences, and interests; do not focus only on deficits).
- The timeframe of the IEP (long range thinking with annual commitments).
- Reliance on the IEP form (a change from transition being a separate piece of the IEP or event to transition being an integral part of the IEP development).
- Steps in the IEP process (what needs to be discussed and decided).

Each of these suggested improvements is discussed in detail below.

The Participants and their Roles

IDEA '97 may require some different thinking about the role of participants in the IEP meeting process. The following selected persons are required to be part of the IEP development. Suggested roles are listed as well.

Student:

- Participate actively in all discussions and decisions.
- Communicate his or her preferences and interests (e.g., what he or she wants to do after completing school).
- Communicate his or her strengths; areas where help is needed; how she or he is doing in classes and community experiences; what accommodations, modifications and supports are needed for the student's success in school and in the community.
- Take part in his or her IEP development; some students may lead their own IEP meetings. This participation will likely require coaching, training and practice.

Parent (and if desired, the family):

- Support the student.
- Reinforce the value of an individually appropriate educational program.

- Provide information about the student's strengths, interests and areas where assistance is needed.
- Provide information about the student's independent living skills and the help the student may need in order to achieve the desired post-school goals.
- Be actively engaged as equal partners in all aspects of the IEP planning, discussion and decision making.

<u>At least one of the student's Special Education Teachers (or, if appropriate, Related Services Providers)</u>:

- Provide information on the student's strengths, past achievements and progress on the current IEP.
- Provide strategies for effectively teaching the student, including appropriate accommodations and/or modifications so the student can successfully access the general curriculum.
- Suggest courses of study and educational experiences that relate to the student's preferences and interests and that provide a foundation and skills to help the student achieve his or her desired post-school goals.
- Identify needed related services.
- Provide appropriate input into transition service needs and post-school agencies, services and/or supports and incorporate those into the IEP (the statement of transition service needs and the statement of needed transition services).
- Link students and parents to the appropriate post-school services, supports or agencies before the student leaves high school.
- Coordinate all the people, agencies, services or programs in the transition planning.

<u>LEA Representative</u>:

- Support the special and general education staff.
- Allocate the necessary resources to ensure that the IEP is implemented.

<u>At least one of the student's Regular Education Teachers (if the child is, or may be, participating in the regular education environment)</u>:

- Assist in planning the courses of study in the general curriculum that will assist the student in achieving his or her desired post-school goals.

- Assist in identifying and providing needed modifications, adaptations and supports for school personnel to assist the student in the regular education setting and on state- and district-wide assessments.
- Assist in identifying and providing needed positive behavioral strategies or interventions to assist the student in the regular education setting.

Other Appropriate Agency Personnel (if determined by the agency or the parent to have special knowledge or expertise):

- Provide information about services and eligibility criteria for community or adult services and supports (e.g., college support services and financial aid, vocational rehabilitation services, family services, social security work incentives).
- Help explain the differences between the entitlement of school programs and eligibility of adult services.
- Assist in identifying community or adult services that may assist the student in achieving his or her post-school goals.
- Assist the student and his or her family in application processes for supports and services at colleges, training institutions, or adult services, as appropriate.
- Alert families and the school to potential waiting lists for services.
- As appropriate, provide services to the student prior to exiting the school system.

How People Talk at IEP Meetings

How people talk at the IEP meetings is very important. The discussion of present levels of performance should focus especially on the student's strengths in addition to his or her deficits and weaknesses. The strengths are the building blocks upon which success is achieved. How we talk about a student's strengths is critical, especially with the student in attendance and actively participating in his or her IEP development. This focus will be discussed further in the IEP meeting steps described below.

Thinking About the IEP Timeframe

Generally, the IEP is an annual commitment to the student and family for services and supports the school will provide that year. However, in order to address the transition requirements, IEP teams must think and plan beyond a single year. The law requires that, beginning at age 14 (or younger, when appropriate), the IEP team connect the student's annual goals and objectives to the courses of study that will prepare students for what they hope to do after high school. It is impossible to do this type of long-range educational program planning if the IEP team limits its thinking and planning to only one year in the future. The same holds true for the required statement of needed transition services beginning at age 16, or younger, if appropriate. Early and long-range planning are critical in order for the student to receive many post-school programs or services, whether that be support services in college or residential services from an adult provider. Students and families are often faced with meeting eligibility requirements that entail much paperwork and time. For some adult and community services, there are long waiting lists. Early, thoughtful planning will help ensure that the student will receive needed services in a timely manner when he or she exits the school system.

> ***"In previous IEPs, transition was a record of the past and not a vision of the future."***
>
> *-Terri Dawson, Wyoming parent*

Reliance on an IEP Form

Sometimes IEP teams feel driven by the IEP form or format. Some IEP forms are not conducive to following the process described below. At times IEP teams start at the top of page 1, then move to page 2, and so on. Many IEP forms place the transition pieces in the middle, at the end, or even as an attachment to the IEP form. This practice promotes the concept that transition is a separate event in the IEP discussion and decision making. IEP teams would do well to understand that beginning no later than age 14 the concept of transition should be integral to the discussions and decisions within the entire IEP. Ideally, the IEP meeting should begin with the identification of the student's post-school desired goals or vision. Discussion of the present levels of educational performance (PLEP), the statement of transition service needs (courses of study), the statement of needed transition services, annual goals and short-term objectives or benchmarks, should follow

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the identification of the student's desired goals or vision. Following this process in the discussion, planning and decision-making promotes the concept that the student's preferences and interests should be the foundation for all the IEP decisions. This process also reinforces the concept that all parts of the IEP are interrelated.

IEP teams who have created IEP forms following this suggested sequence of discussion and decision-making points have found much greater success in effectively addressing the transition pieces and the entire IEP.

Connecting All Parts of the IEP

In addition to changes in IEP participants, how people talk at IEP meetings, the timeframe for thinking about transition, and the reliance on an IEP form, there will also likely need to be a change in one's thinking about the components of the IEP. The components of the IEP – the present levels of educational performance (PLEP), transition statements, least restrictive environment, related services, participation in general curriculum, annual goals, short-term objectives/benchmarks, etc.– are interrelated and connected. Beginning at least by 14 years of age, the IEP should be heavily influenced by transition planning to prepare the student for adult life. If transition planning is to be effective, all of the discussion and decision-making in the IEP meeting must result in a comprehensive, coordinated program that brings the parts of the IEP together to prepare young people for the adult world.

Steps and Sequence of the IEP Discussion, Planning and Decision Making

IEP teams may also need to consider changes in the steps and sequence of the IEP meeting (i.e., what is discussed and decided and the flow of those discussions and the decision making). It may be helpful to understand the limits of the IEP process often used in the past. Many IEP teams followed a sequence of events similar to the sequence depicted in Figure 1.

IEP Process for Transition - The Past

Figure 1

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Generally, this sequence has been one where, after introductions, reports were shared and tests or other assessment goals were presented. The reports were summarized and the discussions made up the bulk of the information referred to as the student's present levels of educational performance (PLEP). Much of this discussion focused on the student's deficits or problems. Following this discussion, the IEP team would then focus on developing annual goals and short-term objectives. The annual goals and short-term objectives typically responded directly to the problems or deficits identified in the PLEP. Often, transition was something discussed after the PLEP, annual goals, and short-term objectives. In many instances, transition was seen and presented as a separate event and considered something "in addition" or "an attachment" to the IEP.

Suggested IEP Meeting Steps and Sequence

In order to implement the changes noted above, a suggested IEP process for transition age students is illustrated in Figure 2 below.

The IEP process is intended to result in a comprehensive, coordinated program reflecting the IEP team's vision beyond one year and beyond just preparing students for graduation.

To put this suggested process into practice, a 5-step IEP meeting process is described below. This process is designed to focus and coordinate the IEP planning, discussion and decision-making toward preparation for the adult world. The steps in this process are interrelated, not separate events, and even build upon the others. Generally, this sequence also eliminates transition plan meetings or forms.

The IEP process is intended to result in a comprehensive, coordinated program reflecting the IEP team's vision beyond one year and beyond just preparing students for graduation. The IEP is also the public education agency's commitment to providing the student with needed supports and services for the next year within the context of a longer view and planning for adulthood. The IEP team takes a longitudinal view of where the student would like to end up and then backtracks to see what will be needed along the way. This perspective will likely make the IEP a more dynamic, useful tool. In order to increase the likelihood of post-school success, this type of planning needs to:

IEP Process for Transition – The Present/Future

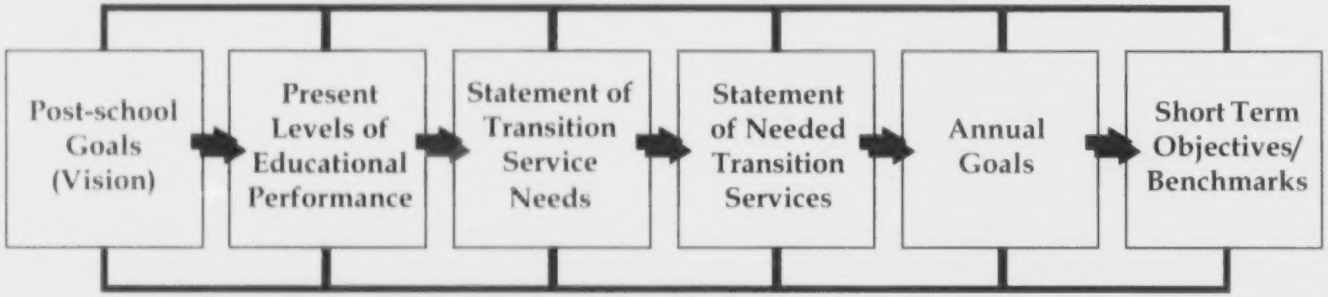
Post-school Goals (Vision)
Present Levels of Educational Performance
Statement of Transition Service Needs
Statement of Needed Transition Services
Annual Goals
Short Term Objectives/ Benchmarks

Figure 2

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- Beginning by age 14 (or younger, when appropriate), identify and plan for the courses of study and educational experiences the student will be taking and engaging in while in school.
- Beginning by age 16, (or younger, when appropriate):
  - Design and implement a coordinated plan for post-school adult life based on what the student wants to do, how he or she wants to live, and how he or she wants to take part in the community.
  - Identify, arrange for and coordinate any anticipated needed post-school services, programs and supports to help the student achieve what it is he or she wants to do post-school before he or she leaves the school setting.

The IEP team needs to take a longitudinal view of where the student would like to end up and then build an IEP that will help the student get there.

In this proposed schema, transition becomes an "outcome-oriented process." The entire IEP for every student, beginning at least by 14 years of age, becomes future-directed, goal-oriented and based upon the student's preferences, interests and needs. The IEP team needs to take a longitudinal view of where the student would like to end up and then build an IEP that will help the student get there.

Suggested Step One: Identifying the student's post-school desired goals or vision.

IDEA '97 defines transition services as follows:

> *"(a) As used in this part* **[34 CFR Part B], transition services** *means a coordinated set of activities for a student with a disability that-*
>
> *(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;*
>
> *"(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and*
>
> *"(3) Includes-*
>
> *(i) Instruction;*

(ii) Related services;
(iii) Community experiences;
(iv) The development of employment and other post-school adult living objectives; and
(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

"(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education." (34 CFR §300.29)

A suggested first step in the IEP process is the identification of the student's desired post-school goals or visions for life after high school. This step addresses these questions:

- What does the student want to do beyond school (e.g., further education or training, employment, military, continuing or adult education, etc.)?
- Where and how does the student want to live (e.g., dorm, apartment, family home, group home, supported or independent)?
- How does the student want to take part in the community (e.g., transportation, recreation, community activities, etc.)?

The desired post-school goals or visions are based upon the student's preferences, needs and interests—what he or she wants to do and how he or she wants to live after high school. These may not be the desired goals or visions that the educational professionals hold for the student, but rather are those goals, dreams, interests and aspirations held by the student.

For many young adults with disabilities, it could be said that "they don't know what they want to do at an early age" or "they are not realistic." Below are suggestions for dealing with these common concerns:

"Not knowing what one wants to do:"

- Students need to experience and see how academic studies relate to possible future careers. Many young adults, regardless of whether they have a disability, do not know what they want to do after high school. That is precisely why students,

beginning at an early age, should be encouraged to talk about possible future life roles. Students need to be given numerous opportunities to try out various roles and future life options in real life settings. They need to experience academic studies related to careers. All across the nation students are gaining these important connections through "School-to-Work" or "School-to-Career" programs. All students need these experiences, but they are especially critical for students with disabilities.

Students need to be given numerous opportunities to try out various roles and future life options in real life settings.

- The student and IEP team should start planning early, but at least by the ages required in IDEA '97, for life after high school. Elementary students need to start thinking about the activities at which they excel and what interests them. Students and families need to be engaged in talking about, and planning for, post-school goals early to increase the chance of keeping students meaningfully engaged in school.

- Leaving this issue to the "last minute" almost assures the many students will not receive needed educational and post-school programs, experiences or services. Students who have not had appropriate high school coursework, educational experiences related to their post-school goals and transition planning are less likely to experience meaningful post-school goals (Colley & Jamison, 1998).

"Being realistic:"

- Not being realistic about possible career or life choices is not unique to students with disabilities. Many young people dream about possible future careers and lives that include playing in the NBA or NFL, or being a test pilot or a glamorous model. That type of dreaming is part of being an adolescent and young adult and may, in fact, be actualized for some young people with proper cultivation of skills, abilities and opportunities. Young people need to be encouraged to go on to college or further training. They need to learn about options for financial aid and supports available at colleges and universities.

- The role of educators is to help students "find their dreams"—to provide opportunities to discover for themselves what they can do, cannot do, or could possibly do with further education or training. Schools and families need to provide students, early

and throughout their school career, with programs and experiences that allow multiple opportunities to try-out careers and life experiences based on their expressed interests. Through well-designed experiential community exploration and work-based or school-to-career activities many youth with disabilities will discover for themselves what is, and is not, realistic.

Suggested Step Two: Describing the Student's Present Levels of Educational Performance (PLEP).

IDEA '97 requires that, among other elements, the IEP include:

> ***"A statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children)." (34 CFR §300.347(a)(1)(i))***

The student's Present Levels of Educational Performance (PLEP) gives the IEP team a picture of how the student performs at the time of the IEP development.

The student's PLEP gives the IEP team a picture of how the student performs at the time of the IEP development. There are several significant improvements in practice that will likely be needed in describing the student's PLEP.

1) The student must be invited to the IEP meeting by age 14 (or younger, if appropriate). Whether the student attends the meeting or not, his or her needs, interests and preferences must be considered. If the student does not attend the IEP meeting, the school must take other steps to ensure that the student's interests, preferences and needs are considered. The IEP meeting provides an opportunity to teach the student to identify both strengths and areas where supports, services, adaptations or modifications are needed. The student's active involvement is a form of acquiring self-advocacy and self-determination skills which are critical to future success as an adult. Many schools are teaching students to be active members of the IEP team, and in fact, to lead their own IEP meeting. Excellent resources are available to teachers and families to teach students these important skills. See the

Reference and Resource List in this document. Also see Appendix B in this document for sample letters inviting the student to the IEP meeting.

2) IDEA '97 further emphasizes the role parents play in providing information to the IEP team. In many instances, parents may be the best source of information in helping the IEP team understand the skills the student has or requires in order for the student to achieve his or her post-school goal or vision. For instance, standard assessments or tests may not provide information on a student's level of personal independence. Parents may be an excellent source for that type of information and enhance the planning and decision-making for future educational programming or post-school services or supports.

3) As mentioned previously, how people talk at the IEP meeting is critical. The PLEP should focus on the student's strengths as well as identifying relevant deficits and weaknesses. The context for the PLEP discussion is based upon the student's desired post-school goal or vision. It is important to know where the student is functioning in relation to where he or she wants to go and what he or she wants to do beyond school. The information in the PLEP can be used to identify appropriate accommodations and modifications in regular education courses and educational experiences and on state and district-wide assessments. Knowledge about these accommodations will be valuable for the student in seeking services in further education, training and employment beyond high school. Discussion in the PLEP should move beyond "qualification for eligibility for special education" to identification of the supports and services a student needs to achieve his or her desired post-school goals.

The student must be invited to the IEP meeting by age 14 (or younger, if appropriate).

Using the context of long-range future planning presents some interesting challenges for IEP teams. IEP teams may discover they need information they have not traditionally obtained. They may also have to look at information they have traditionally reviewed from a different perspective. For instance, a student with a learning disability may express that she is interested in going to college and that she wants to live on her own. In addition to identifying the student's academic skills (e.g., strengths, weaknesses, needed accommodations and modifications), the IEP team may wish to consider the

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independent living skills and abilities of the student. This does not necessarily mean formal testing must be conducted. The student and family could provide needed information for future educational and adult life planning as well as information to assist in linking the student to any needed post-school services, supports and/or programs.

Suggested Step Three: Designing a Statement of Transition Service Needs.

IDEA '97 requires that the IEP must include:

> ***"For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)." (34 CFR §300.347(b)(1))***

By 14 years of age (or younger, if the IEP team deems it appropriate), the IEP must contain a "statement of transition service needs." The courses of study may include required, elective, advanced placement, modified or specially designed courses, as well as other educational experiences in the school or the community. These "courses of study" are determined in the context of the student's desired post-school goals, strengths, functioning levels and need for accommodations and modifications. Once the IEP team determines the student's desired post-school goals and how the student currently performs, it can design an educational program or courses of study to help the student achieve his or her desired post-school goals.

The "statement of transition service needs" generally includes the following concepts:

- The IEP team identifies the required courses leading to graduation or completion of a school program, and ensures that courses and other educational experiences move the student toward his or her desired post-school goals (e.g., employment, further education, training, independent living, etc.).
- Long range educational planning for the courses of study and educational experiences is conducted for ALL students with

disabilities beginning no later than 14 years of age and reviewed annually. Each year a student's IEP team reconsiders the student's desired post-school goals and aligns the courses of study with those desired goals.

- The requirement for the "statement of transition service needs" is intended to augment and enhance the "statement of needed transition services," not replace it.
- The context for the "statement of transition service needs" is the relationship between the student's post-school vision and the student's present levels of performance. The decisions regarding the courses of study should relate directly to how the student is functioning and what he or she wants to do post-school.

To illustrate the process leading to the "statement of transition service needs," consider the educational planning generally engaged in with college freshmen. Typically, each freshman meets with an advisor to develop a four-year educational plan. This plan is an attempt to help the student meet required core courses and those needed for completing a major. If college students do not develop a long range educational plan early, or if they simply plan courses they will take on a yearly basis, they may never complete a program of study, never graduate, or at best, graduate on an extended five or six year plan. The same need for long range educational planning exists for all students with disabilities, beginning by 14 years of age (or younger, if appropriate). If a long-range educational plan is not developed early, the student could end up not graduating or graduating without the courses and experiences needed for adult life, further training or employment. Actively involving students in the planning of their courses of study could motivate them to remain in school. Involving students in this discussion and decision making may help students understand that the courses they are taking in school have a direct relationship to achieving what they want to do beyond school.

Actively involving students in the planning of their courses of study could motivate them to remain in school.

Suggested Step Four: Designing a Statement of Needed Transition Services.

Addressing the statement of needed transition services (at least by age 16, but may be earlier if the IEP team determines it is appropriate) does not negate the requirement for the IEP team to review and revise, as appropriate, the student's statement of transition service needs (courses of study). In other words, the IEP team continues to review annually the courses of study as described above and adds the following:

> *"The IEP must include....For each student beginning at age of 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages." (34 CFR §300.347(b)(2))*
>
> *"As used in this part,* **transition services** *means a coordinated set of activities for a student with a disability that—*
>
> > *"(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.*
> >
> > *"(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and*
> >
> > *"(3) Includes—*
> >
> > > *(i) Instruction;*
> > >
> > > *(ii) Related services;*
> > >
> > > *(iii) Community experiences;*
> > >
> > > *(iv) The development of employment and other post-school adult living objectives; and*
> > >
> > > *(v) If appropriate, acquisition of daily living skills and functional vocational evaluation." (34 CFR §300.29(a))*

In identifying a coordinated set of activities, the IEP team, including the student and parent as key members, may find it helpful to answer the following questions:

- What services, supports or programs does this student currently need?
- What services, supports or programs will this student need in order to achieve his or her desired post-school goals and to ensure success as the student enters the adult world?
- Is the student linked to the needed post-school services, supports or programs before he or she leaves the school setting?

The "statement of needed transition services" generally includes the following concepts:

1) Developing an "outcome-oriented" plan for adult life that addresses, plans for and coordinates, from age 16 (or younger, if appropriate) through the last years of school, what the student will learn while in school and do following graduation or upon leaving school.

2) Making sure that this long-range thinking and the resulting IEP is based on the student's needs, preferences and interests regarding his or her desired post-school activities.

3) Designing a program with a coordinated set of activities addressing each of the following areas:
   - Instruction the student needs to receive in specific areas to complete needed courses, succeed in the general curriculum and gain needed skills.
   - Related services the student may need to benefit from special education while in school. Generally, the IEP team should also begin to consider related service needs the student may have as he or she enters the adult world. If related services will be needed beyond school, the IEP should identify, as appropriate, linkages to adult agencies or providers before the student leaves the school system.
   - Community experiences that are provided outside the school building or in community settings. Examples could include community-based work experiences and/or exploration, job site training, banking, shopping, transportation, counseling and recreation activities.

- Employment or other post-school adult living objectives the student needs to achieve desired post-school goals. These could be services leading to a job or career or those that support activities done occasionally, such as registering to vote, filing taxes, renting a home, accessing medical services, filing for insurance or accessing adult services such as Social Security Income (SSI).
- If appropriate, acquisition of daily living skills. Daily living skills are those activities that adults do every day (e.g., preparing meals, budgeting, maintaining a home, paying bills, caring for clothes, grooming, etc.).
- If appropriate, functional vocational evaluation. This is an assessment process that provides information about job or career interests, aptitudes and skills. Information may be gathered through situational assessment, observations or formal measures and should be practical. The IEP team could use this information to refine services outlined in the IEP.

  It is NO LONGER required to write a statement justifying why any of the above activities (i.e., instruction, community experiences, employment or other post-school adult living objectives) is NOT addressed in the IEP. However, the IEP team will need to consider each of these areas when developing the statement of needed transition services. Consideration for each of the areas helps ensure that the statement is comprehensive and that students will be linked to the post-school services, supports and programs they need.

4. Including appropriate individuals from outside of the school system in the development and implementation of the IEP, ***"at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate." (34 CFR §300.344 (a)(6))*** Further, ***"the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services." (34 CFR §300.344 (b)(3)(i))***

5. Specifying, if appropriate, interagency responsibilities or any needed linkages to access and acquire services or supports to achieve the statement of needed transition services in the IEP.

This longer range view of transition planning also helps the IEP team understand that, in order to put this plan into place, education cannot do, provide or pay for everything that may be needed by a student. IEP teams need to understand that individuals from other agencies or institutions, as well as the student and parent, play critical roles and may have responsibility in planning and helping the student achieve the desired post-school goals. IEP teams should identify these roles and responsibilities. When all of these individuals discuss, plan and agree on what needs to happen, who will be responsible and how the proposed activities will be implemented, the statement of needed transition services becomes a "coordinated set of activities" as intended by IDEA '97.

The statement of needed transition services is a comprehensive plan showing a "coordinated" set of activities in which other people and agencies have responsibilities.

Figure 2 demonstrates there should always be a relationship among all of the steps and decision points in the IEP process. This schematic may serve as a blueprint for planning a coordinated set of activities to assist the student achieve what he or she wants to do after he or she completes school.

Thinking about, and developing, the statement of needed transition services as a coordinated set of activities helps the IEP team conceptualize and understand that this statement leads to a bigger picture: a long-range plan for adulthood.

The discussion, planning and decision-making should result in activities and strategies in the "statement of needed transition services" that:

- Reflect and lead toward achieving the student's desired post-school goals.
- Are based on the student's needs, interests and preferences.
- Identify, in broad terms, those long range activities in each of the transition planning areas that will be necessary to help the student achieve his or her post-school goals.
- Identify who will provide, be responsible for and pay for each activity.
- Identify the dates or school year in which each activity will be addressed and prioritize those activities to be addressed for the coming year.

- Demonstrate how, when all of the activities are combined, there is coordination among all responsible parties.
- Ensure that students and parents are aware of, and linked to, needed post-school services, programs and supports before the student exits the school system.

Both the "statement of transition service needs," beginning at least by age 14, and the "statement of needed transition services," beginning at least by age 16, are critical planning pieces of the IEP. These statements help ensure that every student will have a better chance of completing school and achieving his or her desired post-school goals. They also help ensure that students are linked to, and will receive, needed post-school supports, services or programs.

Suggested Step Five: Determining Annual Goals and Short-term Objectives or Benchmarks.

In addition to the other elements, IDEA '97 requires that the IEP include:

> ***" (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to-***
>
> > ***(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for non-disabled children), or for preschool children, as appropriate, to participate in appropriate activities; and***
> >
> > ***(ii) Meeting each of the child's other educational needs that result from the child's disability." (34 CFR §300.347(a))***

The statement of needed transition services is a comprehensive plan showing a "coordinated" set of activities in which other people and agencies have responsibilities. Figure 3 depicts a decision-making process that may be used for setting annual goals. Only those activities that are the direct responsibility of special education providers require annual goals and short-term objectives or benchmarks. For example, an IEP team may determine that one of the activities in the "coordinated set of activities" will be career exploration in the community. The annual goal on the IEP may reflect

what the student will achieve as a result of this activity, e.g., "the student will keep a log of jobs observed, specific tasks and needed skills."

Figure 3 represents one way to think about developing a transition strategy for a student with a disability. The first column (All Activities) represents all of the activities in all planning areas (instruction, related services, community experiences, etc.) for the next several years. The second column (Activities for Next School Year) represents those activities that the IEP team prioritized for the coming school year.

The third column illustrates that, if the statement is truly a "coordinated" set of activities, responsibility for the activities will be shared by various people or agencies. Exactly which agencies have which responsibilities will depend on the services, supports or programs that will be necessary and appropriate to help the student achieve what it is he or she wants to do. Some of the activities may be the responsibility of the student and parents (e.g., contacting and scheduling visits to colleges, community colleges, post-secondary training programs, adult service providers, group homes, etc.), while some of the activities will clearly be the responsibility of the school or adult agencies.

The fourth column of Figure 3 reflects that, for a majority of students, there will be activities that are the responsibility of both general education and special education. However, not every activity that is the responsibility of the school automatically becomes an annual goal on the IEP. The IEP team will make decisions about whether a particular activity that is the responsibility of the school constitutes a need for special education services and thus requires an annual goal on an IEP. These decisions must be made on a case-by-case basis by the IEP team. The last column shows that the annual goals are derived from the activities that special education has direct responsibility for providing.

The public agency staff does have the ongoing responsibility for oversight of all of the activities in the IEP. On at least an annual basis, the IEP team may repeat these five suggested steps as a part of reviewing the entire IEP.

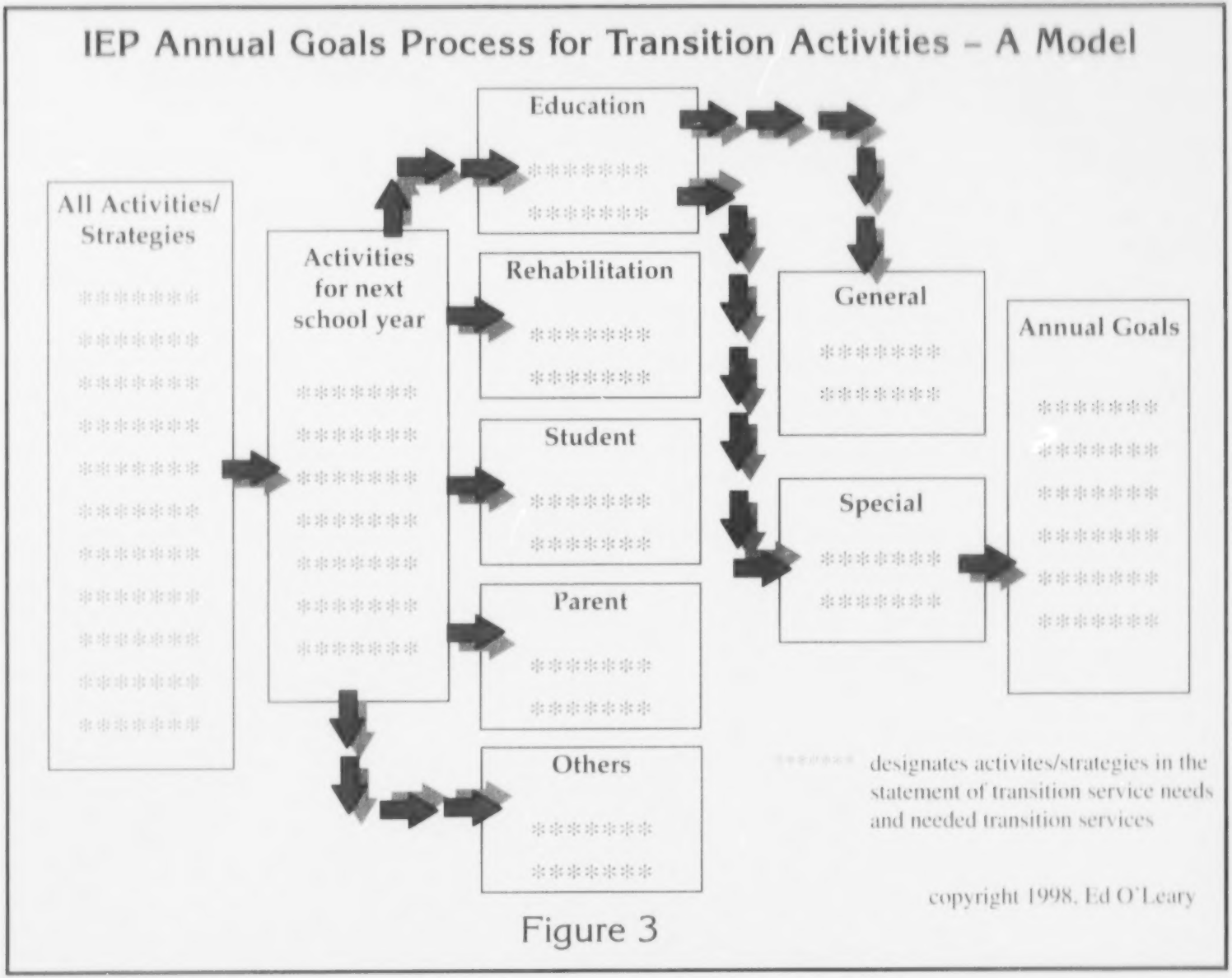
IEP Annual Goals Process for Transition Activities – A Model
All Activities/ Strategies
Activities for next school year
Education
Rehabilitation
Student
Parent
Others
General
Special
Annual Goals
designates activites/strategies in the statement of transition service needs and needed transition services
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Figure 3

SUMMARY

The process of incorporating transition into the IEP generally requires that educators and families formulate and implement a program that prepares each student with disabilities for the adult world. In the IEP planning process, schools must, for every student with a disability beginning at 14 years of age (or younger, if appropriate) include a statement of transition service needs. Beginning no later than age 16 (or younger, if appropriate) a statement of needed transition services must be included. These statements are the basis for developing a student's educational program and long-range plan for adult life. These statements must coordinate the courses of study with a program that links the student to any needed post-secondary education, services or programs that will support the student's continued preparation for adult life.

Below is a set of suggested activities before, during and after the IEP meeting to ensure that transition planning:

- Is outcome-oriented.
- Is driven by student needs, interests and preferences.
- Includes appropriate courses of study.
- Identifies instruction; community experiences; related services; employment and adult living objectives; and, if appropriate, daily living skills and functional vocational evaluation.
- Identifies other agencies that may be responsible for providing or paying for needed services.
- Identifies, coordinates, and links students and families to needed post-school services, supports or programs.

SUGGESTED ACTIVITIES BEFORE, DURING, AND AFTER THE IEP MEETING

(note: this list also contains some of the required activities)

Before the IEP meeting

1. Assist students and parents to determine needs, preferences and interests related to life after high school. Encourage parents to actively participate in the IEP meeting. Assess student needs, preferences and interests.
2. Formally invite the student to participate in the IEP process and meeting.
3. Provide written notice of the IEP meeting to parents, students and outside agencies. If parents choose not to attend, document attempts to involve them.
4. If the student chooses not to attend the IEP meeting, use other means to gather and share information about his or her needs, interests and preferences.
5. If an invited agency chooses not to attend the IEP meeting, use other means to ensure their participation in the planning and decision-making regarding transition services. Document these efforts and include them in the IEP.

During the IEP meeting

6. Actively involve the student and parents in the IEP meeting. Review the student's present levels of performance. Focus on the student's strengths, needs, interests and preferences to guide the development of:
   - An outcome-oriented post-school vision statement or goals.
   - At least by age 14, a statement of transition service needs that specifies the courses of study in which the student will be involved through graduation with a regular diploma or until reaching the maximum age for special education.
   - At least by age 16, a statement of needed transition services to achieve the student's desired post-school goals through a coordinated set of activities including:
     - Instruction
     - Related services
     - Community experiences
     - Employment and other adult living objectives
     - Daily living skills and functional vocational evaluation, if appropriate
   - Annual goals and objectives for the coordinated set of activities that are part of special education services for the current school year.
   - Agreement of who will provide and/or pay for the activities outlined in the statement of needed transition services.

After the IEP meeting

7. Provide the instruction, experiences, supports and services outlined in the IEP
8. Conduct follow-up activities to ensure the student is achieving the IEP goals, review the courses of study and transition services that have been provided, and plan for the coming years.
9. Assist the student and family by linking them to any needed post-school adult services, supports or programs.
10. Reconvene the IEP team to plan alternative strategies if the transition services are not provided as planned.
11. Conduct annual review.

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Section IV:
Transition Requirements Checklist

The following checklist corresponds to specific sections of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) and the final regulations related to the transition requirements that were issued in the Federal Register on March 12, 1999. The checklist may be used by public agencies to help align their practices with the transition requirements of the IDEA '97.

Transition Services Participants (34 CFR §300.344)

When a purpose of the IEP meeting is the consideration of transition services:

1.	Yes	No	Did the public agency invite the student?
2.	Yes N/A	No	If the student did not attend the IEP meeting, did the public agency take steps to ensure that the student's preferences and interests were considered in the development of the IEP? (If the student attended the meeting, indicate N/A [Not Applicable.])
3.	Yes	No	Did the public agency invite a representative of any other agency that is likely to be responsible for providing or paying for transition services?
4.	Yes N/A	No	If an agency was invited to send a representative to a meeting and did not do so, did the public agency take other steps to obtain his or her participation in the planning of transition services? (If the agency attended the meeting, indicate N/A [Not Applicable].)

Parent notice (34 CFR §300.345)

Does the parent (and student, if rights have been transferred) notice:

1.	Yes	No	Indicate, for a student beginning at age 14 (or younger, if appropriate), that a purpose of the meeting will be the development of a statement of transition service needs?
2.	Yes	No	Indicate, for a student beginning at age 16 (or younger, if appropriate), that a purpose of the meeting is the consideration of needed transition services?
3.	Yes	No	Indicate that the public agency will invite the student beginning at age 14 (or younger, if appropriate)?
4.	Yes	No	Identify any other agency that will be invited to send a representative?
5.	Yes	No	Indicate the time and location of the meeting and who will be in attendance?
6.	Yes	No	Inform the parents that they may invite other individuals who have knowledge or special expertise regarding their child, including related services personnel, as appropriate?

Exception to FAPE and Prior Written Notice (34 CFR §300.122(a)(3)(i, ii,iii) & §300.503)

If the student will graduate with a regular high school diploma, does the IEP team provide the parent(s) (and student, if rights have been transferred) with:*

1. Yes No Prior written notice (in accordance with 34 CFR §300.503) that graduation from high school with a regular diploma constitutes a change in placement and that the high school student is no longer entitled to provide a free appropriate public education (FAPE)? (NOTE: A state may choose to continue to provide FAPE. Check with your state for requirements that may go beyond Federal requirements.)

*does not apply to students who have graduated but have not been awarded a regular high school diploma.

Content of the Individualized Education Program (IEP) (34 CFR §300.347)

If the student is 14 (or younger, if appropriate), does the IEP include:

1. Yes No A statement of current performance related to transition service needs?
2. Yes No A statement of transition service needs that specifies courses of study that will be meaningful to the student's future and motivate the student to complete his or her education?

If the student is 16 (or younger, if appropriate), does the IEP include:

1. Yes No A statement of needed transition services that is a coordinated set of activities and considers:
   - Yes No a. Instruction?
   - Yes No b. Related services?
   - Yes No c. Community experiences?
   - Yes No d. Development of employment and other post-school adult living objectives?
   - Yes No e. If appropriate, acquisition of daily living skills?
   - Yes No f. If appropriate, a functional vocational evaluation?
2. Yes No The activities in the statement of needed transition services are presented as a coordinated set of activities that promotes movement from school to desired post-school activities?
3. Yes No A statement of needed transition services that addresses one or more of the following post-school activities:
   - ❑ Post-secondary education?
   - ❑ Vocational training?
   - ❑ Integrated employment (including supported employment)?
   - ❑ Continuing and adult education?
   - ❑ Adult services?
   - ❑ Independent living?
   - ❑ Community participation?

(Content of IEP continued)

4. Yes No A coordinated set of activities that is based on the individual student's needs, taking into account the student's preferences and interests?

5. Yes No A statement, if appropriate, of the interagency responsibilities or any needed linkages (i.e., linkages to agencies or services the student needs)?

6. Yes No Has the statement of transition service needs and statement of needed transition services been reviewed at least annually?

7. Yes No A statement, in a State that transfers rights at the age of majority, at least one year before the student reaches the age of majority under state law, that the student has been informed of the rights under Part B of the Act, if any, that will transfer to him or her when he or she reaches the age of majority?

Transfer of Rights (34 CFR §300.517, §300.347(c))

1. Yes No In a State that transfers rights at the age of majority, when the student reached the age of majority, did the public agency notify both the student and the parent that all rights under Part B transferred to the student? (Note: in a State that transfers rights at the age of majority, the public agency shall provide any notice required by the regulations to both the individual and the parents.)

Agency responsibilities for transition services (34 CFR §300.348)

1. Yes No If a participating agency failed to provide agreed-upon transition services contained in the IEP, did the public agency responsible for the student's education reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP? (If the agency provided services, indicate N/A [Not Applicable].)
   N/A

Section V:
Commonly Asked Questions and Answers

This document uses the following conventions for citing from the code of Federal Regulations and from other interpretive materials that accompany those regulations in the March 12, 1999 Federal Register:

- For direct quotations from the regulations, the citation form will be: ***34 CFR§300.XXX.***
- For quotations from the Federal Register, March 12, 1999; Appendix A to Part 300-Notice of Interpretation, the citation form will be: ***Appendix A, Question XX.***

Content of the Individualized Education Program (IEP)

1. What are the new requirements for transition?

IDEA '97 and the final implementing regulations make a number of changes in the requirements regarding transition. These changes are described below:

- ***"Beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually,*** [the student's IEP must include] ***a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)." (34 CFR §300.347(b)(1))*** This statement should be guided by the student's desired post-school results and must be based his or her goals, needs, preferences and interests. Question 11 in Appendix A to the Final Regulations indicates that the intention of Congress in adding this requirement was to ***"'augment, and not replace' the separate, preexisting requirement that the IEP include, 'beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services'." (Appendix A, Question 11)*** The requirement to add a statement of the transition service needs of the student is to:

  "Focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school.... The statement of transition service needs should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals.... Although the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at least at the age of 14 years and review these areas annually." (Appendix A, Question 11)

One of the goals of this provision is to work with the student and his or her parents to ***"select courses that will be meaningful to the student's future and motivate the student to complete his or her education." (Appendix A, Question 11)***

- "Related services" was added to the list of required components of the statement of needed transition services. While related services have always been required to be included in the student's IEP, the reiteration in the transition definition reminds the IEP team that transition services includes related services and whether such services are needed must be considered by the IEP team. Related services include services such as rehabilitation counseling. The final regulations define rehabilitation counseling services as ***"services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended." (34 CFR §300.24(a)(11))***

  Another related service that may be applicable in designing a student's statement of needed transition services is parent counseling and training. This means ***"assisting parents in understanding the special needs of their child...and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP." (34 CFR §300.24(a)(7))*** Parents may benefit from these services to facilitate the planning and implementation of transition services.

  Orientation and mobility services may also be appropriate for a student when considering related services. These may help a student learn to navigate his or her environment, perhaps as part of community-based instruction. In addition, the IEP team needs to consider whether the student requires assistive technology devices or services as the student engages in his or her secondary educational experiences and moves from school to post-school activities.

- Another new requirement, in a state that transfers rights at the age of majority, involves the transfer of rights accorded to parents under Part B that will transfer to the student upon the student's reaching the age of majority. The final regulations require that ***"beginning at least one year before a student reaches the age of majority under state law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517." (34 CFR §300.347(c))*** This notice needs to be in a language the student can understand. This provision is applicable only in states that transfer rights at the age of majority.

2. ***"What must the IEP team do to meet the requirements that the IEP include 'a statement of...transition service needs' beginning at age 14 (§300.347(b)(1)(i)), 'and a statement of needed transition services' no later than age 16 (§300.347(b)(2))?"***

The question above and response below are quoted directly from Appendix A to the IDEA '97 Final Regulations ***Appendix A, Question 11.***

"Section 300.347(b)(1) requires that, beginning no later than age 14, each student's IEP include specific transition-related content, and, beginning no later than age 16, a statement of needed transition services:

"Beginning at age 14 and younger if appropriate, and updated annually, each student's IEP must include:

"'... a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)' (§300.347(b)(1)(i)).

"Beginning at age 16 (or younger, if determined appropriate by the IEP team), each student's IEP must include:

"'... a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.' (§300.347(b)(2)).

"The Committee Reports on the IDEA Amendments of 1997 make clear that the requirement added to the statute in 1997 that beginning at age 14, and updated annually, the IEP include 'a statement of the transition service needs' is '...designed to augment, and not replace,' the separate, preexisting requirement that the IEP include, '...beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services...' (H. Rep. No. 105-95, p. 102 (1997); S. Rep. No. 105-17, p. 22 (1997)). As clarified by the Reports, 'The purpose of [the requirement in §300.347(b)(1)(i)] is to focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school.' (H. Rep. No. 105-95, pp. 101-102 (1997); S. Rep. No. 105-17, p. 22 (1997)). The Reports further explain that '[F]or example, for a child whose transition goal is a job, a transition service could be teaching the child how to get to the job site on public transportation.' (H. Rep. No. 105-95, p. 102 (1997); S. Rep. No. 105-17, p. 22 (1997)).

"Thus, beginning at age 14, the IEP team, in determining appropriate measurable annual goals (including benchmarks or short-term objectives) and services for a student, must determine what instruction and educational experiences will assist the student to prepare for transition from secondary education to post-secondary life.

"The statement of transition service needs should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals. For example, a student interested in exploring a career in computer science may have a statement of transition services needs [sic] ***connected to technology course work, while another student's statement of transition services*** [sic] ***needs could describe why public bus transportation training is important for future independence in the community.***

"Although the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at least at the age of 14 years and review these areas annually. As noted in the Committee Reports, a disproportionate number of students with disabilities drop out of school before they complete their secondary education: 'Too many students with disabilities are failing courses and dropping out of school. Almost twice as many students with disabilities drop out as compared to students without disabilities.' (H. Rep. No. 105-95, p. 85 (1997), S. Rep. No. 105-17, p. 5 (1997).)

"To help reduce the number of students with disabilities that drop out, it is important that the IEP team work with each student with a disability and the student's family to select courses of study that will be meaningful to the student's future and motivate the student to complete his or her education.

"This requirement is distinct from the requirement, at §300.347(b)(2), that the IEP include:

"...beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the child, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

"The term 'transition services' is defined at §300.29 to mean:

"...a coordinated set of activities for a student with a disability that—(1) is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (2) Is based on the individual student's needs, taking into account the student's preferences and interests; and (3) Includes—(i) Instruction; (ii) Related services; (iii) Community experiences; (iv) The development of employment and other post-school adult living objectives; and (v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

"Thus, while §300.347(b)(1) requires that the IEP team begin by age 14 to address the student's need for instruction that will assist the student to prepare for transition, the IEP must include by age 16 a statement of needed transition services under §300.347(b)(2) that includes a 'coordinated set of activities..., designed within an outcome-oriented process, that promotes movement from school to post-school activities...' (§300.29) Section 300.344(b)(3) further requires that, in implementing §300.347(b)(1), public agencies (in addition to required participants for all IEP meetings), must also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. Thus, §300.347(b)(2) requires a broader focus on coordination of services across, and linkages between, agencies beyond the SEA and LEA." (Appendix A, Question 11)

3. **What are "courses of study?"**

   Neither IDEA '97 nor the final implementing regulations defines courses of study. Perhaps the best way to think about courses of study is the series of courses and experiences that the student needs to achieve his or her desired post-school results or goals relative to further education or training, employment, community living and recreation. It should include regular education courses; advanced placement courses; specially designed instruction; community experiences; and employment adult living and daily living objectives.

4. **Should the student's IEP identify a desired post-school outcome, and if so, how should this be expressed?**

   The regulations define needed transition services as "***a coordinated set of activities designed within an outcome-oriented process, that promotes movement from the school to post-school activities.*" *(34 CFR §300.29(a)(1))*** In order for transition to be an "outcome-oriented" process, outcomes need to be identified. Therefore, the desired post-school outcome(s) or goals for the student need to be included in the IEP. These outcomes could include, but are not limited to, post-secondary education, vocational training, integrated employment (including supported employment), continuing adult education, adult services, independent living and community participation. These goals or outcomes should guide the student's statement of "transition service needs" and statement of "needed transition services." The goals for the student should clearly describe the desired post-school outcomes on the student's IEP and link the student's needs, preferences and interests with the services, supports and resources needed by the student. To make the most of the high school experience, the desired post-school outcomes should guide the entire IEP process and the educational program for the student starting by the time the student is age 14 (or younger, if appropriate).

5. **What are the requirements regarding consideration of the student's preferences and interests when developing the statement of transition service needs or statement of needed transition services? How should the student's preferences and interests be determined? (See 34 CFR §300.29; §300.344(b))**

   The public agency is responsible for inviting the student, of any age, to his or her IEP meeting, if a purpose of the meeting is the consideration of transition service needs, needed transition services or both. If the student does not attend the meeting where transition service needs, needed transition services or both are discussed, the district must ensure that the student's preferences and interests are considered. Therefore, prior to or during, but not after, the IEP meeting, the public agency must gather information from the student regarding his or her preferences and interests. The student's needs, preferences, and interests should guide the IEP process. They should be the starting point to determine the post-school goals, courses of study, transition service needs, needed transition services, annual goals and need for supplementary aids and services.

6. **If the IEP team does not address each component in the statement of needed transition services (i.e., instruction, community experiences, related services, employment, and other post-school adult living objectives), must they write a statement justifying why that component was not addressed?**

   The requirement for writing a statement justifying why any one of those areas is not addressed in the statement of needed transition services was removed in the Final Regulations. Even though the requirement for the justification was removed, the IEP team should still consider each of these components when developing a statement of needed transition services.

7. **What is the role of vocational education in the student's IEP?**

   ***"Special education** means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including...vocational education." (34 CFR §300.26(a)(1) & §300.26(a)(2)(iii))* Vocational education *"means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree." (34 CFR §300.26(b)(5))* Research indicates that students with disabilities who participate in vocational education and training are more likely to stay in school, be employed and be employed at higher wages than students who have not participated in vocational education, training or work experience (Blackorby & Wagner, 1996; National Assessment of Vocational Education, 1994). Therefore, it is clearly appropriate and advisable to include vocational education and experiences in the student's courses of study to assist in preparing him or her to transition from school to the post-school environment. ***"Specially-designed instruction** means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction." (34 CFR §300.26(b)(3))* It is important that the IEP team, including the student and the vocational educator, determine the supplementary aids and services, adaptations, modifications, accommodations and supports needed by the vocational education teacher that will assist the student achieve satisfactorily in the regular education setting.

8. ***"Must the IEP for each student with a disability, beginning no later than age 16, include all 'needed transition services,' as identified by the IEP team and consistent with the definition at §300.29, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?"***

   The above question and response below are quoted directly from IDEA '97 Final Regulations *Appendix A, Question 12.*

   "Section 300.347(b)(2) requires that the IEP for each child with a disability, beginning no later than age 16, or younger if determined appropriate by the IEP team, include all 'needed transition services,' as identified by the IEP team and consistent with the definition at §300.29, regardless of whether the public agency or some other agency will

provide those services. Section 300.347(b)(2) specifically requires that the statement of needed transition services include, '...if appropriate, a statement of the interagency responsibilities or any needed linkages.'

"Further, the IDEA Amendments of 1997 also permit an LEA to use up to five percent of the Part B funds it receives in any fiscal year in combination with other amounts, which must include amounts other than education funds, to develop and implement a coordinated services system. These funds may be used for activities such as: (1) linking IEPs under Part B and Individualized Family Service Plans (IFSPs) under Part C, with Individualized Service Plans developed under multiple Federal and State programs, such as Title I of the Rehabilitation Act; and (2) developing and implementing interagency financing strategies for the provision of services, including transition services under Part B.

"The need to include, as part of a student's IEP, transition services to be provided by agencies other than the public agency is contemplated by §300.348(a), which specifies what the public agency must do if another agency participating in the development of the statement of needed transition services fails to provide a needed transition service that it had agreed to provide.

"If an agreed-upon service by another agency is not provided, the public agency responsible for the student's education must implement alternative strategies to meet the student's needs. This requires that the public agency provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly.

"Alternative strategies might include the identification of another funding source, referral to another agency, the public agency's identification of other district-wide or community resources that it can use to meet the student's identified needs appropriately, or a combination of these strategies. As emphasized by §300.348(b), however:

"Nothing in [Part B] relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

"However, the fact that an agency other than the public agency does not fulfill its responsibility does not relieve the public agency of its responsibility to ensure that FAPE is available to each student with a disability. (Section 300.142(b)(2) specifically requires that if an agency other than the LEA fails to provide or pay for a special education or related service (which could include a transition service), the LEA must, without delay, provide or pay for the service, and may then claim reimbursement from the agency that failed to provide or pay for the service.)" (Appendix A, Question 12)

9. **When should a statement of transition service needs (courses of study) or a statement of needed transition services (coordinated set of activities) be included in a child's IEP? (See 34 CFR §300.347(b))**

   A statement of transition service needs must be included in the IEP of a student that will be in effect no later than the student's 14th birthday, or younger, if determined appropriate by the IEP team. The IEP team continues to review and annually update this statement of transition service needs. This statement of transition service needs must be included in all subsequent IEPs. A statement of needed transition services must be added to the IEP that will be in effect no later than the student's 16th birthday, or younger, if determined appropriate by the IEP team.

10. **What are examples when the IEP team would include transition services for a student younger than age 14 or 16? Who decides when services are needed earlier? (See 34 CFR § 300.347(b); Appendix A, Question 11.)**

    The IEP team determines when a statement of transition service needs or a statement of needed transition services is necessary for a student who is younger than age 14 or 16, respectively. Transition service needs and needed transition services should be considered for a younger student if his or her educational needs may make a successful transition to desired post-school goals especially difficult. For example, if the student is at risk of dropping out of school, transition planning should start early to make the school experience more relevant to the student. Working with students to think about life after high school can help them see the importance of staying in school and getting the courses and experiences to do what they want to do after high school. Since transition planning involves thinking about life after high school, selecting courses of study both in the school and community and engaging adult and community options early are critical.

11. **May school districts develop transition plans separate from the IEP? May public agencies develop Individualized Transition Plans (ITPs)?**

    Beginning no later than age 14, a statement of transition service needs and beginning no later than age 16, a statement of needed transition services must be included in the student's IEP. A public agency may consider issues relating to a student's transition needs in meetings other than IEP meetings; however, the IEP content required by §300.29 and §300.347 must be developed in a meeting that meets the requirements of §300.344 and §300.345.

Transition Participants

1. **Who must be included on the IEP team when a purpose of the meeting is the development of a statement of transition service needs or a statement of needed transition services?**

"The public agency shall ensure that the IEP team for each child with a disability includes-

"(1) The parents of the child;

"(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

"(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

"(4) A representative of the public agency who -

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

"(5) An individual who can interpret the instructional implications of evaluation results...

"(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

"(7) If appropriate, the child." (34 CFR §300.344a))

Additional required participants for transition include:

- *"The public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services* [sic] *needs under §300.347(b)(1); or the needed transition services for the student under §300.347(b)(2); or both." (34 CFR §300.344(b)(1))*
- *"A representative of any other agency that is likely to be responsible for providing or paying for transition services." (34 CFR §300.344(b)(3)(i))*

Additional transition participants might include the student's employer or supervisor, vocational rehabilitation counselor, developmental disability specialist, etc., depending on the needs of the student.

2. What is a participating agency?

"Participating agency ***means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student."*** **(34 CFR §300.340(b))**

3. What other adult agencies and services might the IEP team think about including? How does a public agency determine those agencies that are likely to be responsible for providing or paying for transition services?

There is no prescription for which agencies should be invited. Determination of the specific agencies with which to link depends on the specific needs, preferences, interests, desired post-school results and needs of the student and family. The agency (or agencies) invited should be those most likely to have the services, programs and supports that best match the particular student's needs and post-school goals.

"The public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services." (34 CFR §300.344(b)(3) (i)& (ii)) The requirement that the student's statement of needed transition services include, if appropriate, a statement of the interagency responsibilities or any needed linkages ***"requires a broader focus on coordination of services across, and linkages between agencies beyond the SEA and LEA." (Appendix A, Question 11).***

During the course of an IEP meeting, the team may identity additional agencies that are likely to be responsible for providing or paying for transition services for the student. In such a case, the public agency will need to determine how it will meet the requirement of inviting representatives of other agencies to an IEP meeting and ensuring their participation in the transition planning.

Agencies could include, but are not limited to, community colleges, universities, vocational/technical training institutions, job training partnership providers, the State Vocational Rehabilitation Agency, Mental Health and Mental Retardation Agencies, Independent Living Center, Division of Developmental Disabilities and the Social Security Administration. A resource listing a myriad of potential agencies is *Transition Planning: A Team Effort* (deFur, S. H., 1999, Washington, DC: National Information Center for Children and Youth with Disabilities, 1-800-695-0285).

Although not an IEP content requirement, some local education agencies include copies of correspondence to invited agencies in the student's records to document the invitation and participation. See Appendix B of this document for a sample letter to Participating Agency Representatives.

4. **What is the school district's responsibility for inviting the student to his or her IEP meeting during which transition services will be addressed?**

School districts are responsible for inviting the student, of any age, to his or her IEP meeting if a purpose of the meeting is the consideration of the student's transition service needs, needed transition services for the student or both. The final regulations emphasized that the student's participation is paramount in the design of his or her transition services by adding the words "of any age." ***"The IDEA Amendments of 1997 also contain provisions that greatly strengthen the involvement of students with disabilities in decisions regarding their own futures, to facilitate movement from school to post-school activities." (Appendix A, Section II)***

5. **Are there any circumstances under which the student would not be invited? (34 CFR § 300.344(b)(1))**

The regulations clearly state that if a purpose of the meeting is to consider transition service needs, needed transition services or both for a student, the school district shall invite the student to attend the IEP meeting.

6. **What form should the invitation to the student take?**

   There is no prescribed form for the student invitation; however, school districts must be able to demonstrate that a student was invited to attend the IEP meeting. The invitation may be oral or written. A copy of the letter or teacher notes indicating a verbal invitation should be kept. Written correspondence should be in a language the student and family can understand. Additionally, the parent notice of the IEP meeting must inform parents that the educational agency will invite the student to the IEP meeting. See Appendix B of this document for sample invitation letters.

7. **If a student does not attend the IEP meeting, what steps should the district take to ensure that the student's preferences and interests are considered? (See 34 CFR § 300.344 (b)(2))**

   It is required that the student's interests and preferences are considered during development of the statement of transition service needs and the statement of needed transition services. If a student does not attend the IEP meeting, the public agency must take other steps to ensure that the student's preferences and interests are considered. When a school district finds that a student does not plan to attend the meeting, the school district could consider the following methods for obtaining student input prior to the meeting:

   - Student conferences and inventories.
   - Family conferences and inventories.
   - Career exploration activities.
   - Vocational interest and aptitude inventories.
   - Situational assessments.
   - Ideas from peers and other persons who know the student.

8. **Are representatives of other agencies required to participate in the IEP meeting to develop statements of needed transition services?**

   Other agencies may agree to participate in the planning of transition services, but the public agency does not have the authority to compel representatives of participating agencies to attend IEP meetings.

   However, there are several provisions of IDEA that facilitate the linkages with participating agencies. Methods of Ensuring Services, requires that ***"an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agency...and the SEA, in order to ensure that all services...that are needed to ensure FAPE are provided." (34 CFR §300.142(a))***

   Further, ***"if any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy...to provide or pay for any services that are also considered special education or related services (such as...transition services) that are necessary for ensuring FAPE to children with disabilities within the state, the public agency shall fulfill that obligation or***

responsibility, either directly or through contract or other arrangement." (34 CFR §300.142(b)(1)(i))

Additionally, the final regulations provide that ***"an LEA may not use more than 5 percent of the amount the agency receives under Part B of the Act for any fiscal year, in combination with other amounts (which must include amounts other than education funds), to develop and implement a coordinated services system designed to improve results for children and families, including children with disabilities and their families." (34 CFR §300.244(a))*** This system may include financing strategies for the provision of transition services.

9. **What if an invited agency representative does not attend the IEP meeting?**

"If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services." **(34 CFR § 300.344 (b)(3)(ii))** Other steps could include, but are not limited to such activities as phone conversations about potential services, including the agency in a general information session with the student and family, providing print information about the agency services or arranging for a meeting with the agency prior to the IEP meeting.

10. **May the services of an agency be specified on an IEP when that agency's representative is not present at the IEP meeting?**

The regulations indicate that ***"if an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services." (34 CFR §300.344(b)(3)(ii))*** If, when inviting the agency representative, he or she indicates the inability to attend the IEP meeting, it may be appropriate to have discussions leading to the agency's commitment to provide or pay for specific services.

However, the regulations further state that ***"nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency." (34 CFR §300.348 (b))*** Congressional intent was to increase the role of participating agencies in the planning and provision of transition services for students with disabilities.

Parent Participation

1. **May IEP meetings that address transition services be conducted if parents are not in attendance?**

"A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency

must have a record of its attempts to arrange a mutually agreed on time and place, such as —
(1) Detailed records of telephone calls made or attempted and the results of those calls;
(2) Copies of correspondence sent to the parents and any responses received; and
(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits." (34 CFR § 300.345(d))

2. **Must parents be notified that the student and agency representatives are invited to attend the IEP meeting?**

The notice to parents must indicate *"for a student with a disability beginning at age 14, or younger, if appropriate, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services* [sic] *needs of the student required in §300.347(b)(1); and indicate that the agency will invite the student.*

"For a student with a disability beginning at age 16, or younger, if appropriate, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2); indicate that the agency will invite the student; and identify any other agency that will be invited to send a representative." (34 CFR § 300.345(b)(2)&(3))

3. **Must a copy of the student's IEP be provided to the parent?**

"The public agency shall give the parent a copy of the child's IEP at no cost to the parent." **(34 CFR § 300.345(f))**

Agency Responsibilities for Transition Services

1. **Who is responsible for planning, coordinating, and providing transition services? What is the district's responsibility for ensuring that an agency is providing the services agreed upon in the IEP?**

The student's public agency (usually the school district) of residence is responsible for ensuring that the student receives a free appropriate public education. Responsibilities for providing transition services may be assigned to different participants (e.g., school personnel, agency representatives or state, local and private agencies) at the IEP meeting, but the school district maintains responsibility for ensuring that the services listed on the student's IEP are provided. *"If an agreed-upon service by another agency is not provided, the public agency responsible for the student's education must implement alternative strategies to meet the student's needs. This requires that the public agency provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly." (Appendix A, Question 12)* Alternative strategies may include the identification of another funding source or the public agency's identification of other

district-wide or community resources that it can use to meet the student's identified needs appropriately.

2. **How will a school district verify or know if services are not being provided?**

   A district could ensure that the services listed on the student's IEP, including those of participating agencies, are provided to the student in a number of ways. Suggestions include the following strategies: a district could hold regularly scheduled meetings between the participating agency and the district; a district could communicate with the participating agency through written progress reports; or the district and agency may make other arrangements that ensure the necessary communication between the district and the participating agency. Verification of services may also be obtained from the parent, the student, or the representative of the agency responsible for providing or paying for the service through telephone calls, interviews or during the annual IEP meeting.

3. **Who is responsible for reconvening an IEP meeting when transition services are not being provided as indicated on the IEP? What is the purpose of the meeting? What are the timelines for reconvening the meeting?**

   "If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP." (34 CFR §300.348(a)) The meeting should be convened quickly to identify alternative strategies for providing the transition services outlined on the student's IEP, or if necessary, revise the student's IEP.

Graduation

1. **Following the student's graduation with a regular high school diploma, is the school district responsible for providing the transition services?**

   "The obligation to make FAPE available to all children with disabilities does not apply with respect to.... Students with disabilities who have graduated from high school with a regular high school diploma." (34 CFR §300.122(a)&(300.122)(a)(3)(i))

   If the student is awarded any type of exit document (e.g., certificate of completion, modified diploma, etc.) other than a regular diploma, the student remains eligible for FAPE until he or she reaches the maximum age determined by the State or receives a regular high school diploma. ***"The exception in paragraph (a)(3)(i) of this section does not apply to students who have graduated but have not been awarded a regular high school diploma." (34 CFR §300.122(a)((3)(ii))***

2. **Is a re-evaluation required for graduation with a regular high school diploma or termination of eligibility for exceeding the age eligibility for FAPE under state law?**

An evaluation *"is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law." (34 CFR§ 300.534(c)(2))*

3. **Is graduation from high school considered a change in placement requiring notice in accordance with §300.503?**

   "Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503." **(34 CFR §300.122(a)(3)(iii))**

   School districts will be expected to provide the notice a reasonable time before proposing to graduate a student, in order to ensure that there is sufficient time for the parents and student to plan for or challenge the pending graduation.

Other Questions

1. **Are students with disabilities in adult prisons entitled to a free appropriate public education (FAPE)?**

   "The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

   "The obligation to make FAPE available to all children with disabilities does not apply with respect to students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility were not actually identified as being a child with a disability...and did not have an IEP under Part B of the Act.

   "The requirements in §300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release." (34 CFR § 300.311 (b))

2. **What is vocational rehabilitation? Who is eligible?**

   Vocational Rehabilitation (VR) is a federally funded program designed to assist individuals with disabilities prepare for, and engage in, gainful employment. Recently, the Vocational Rehabilitation Act of 1973 was re-authorized by Title IV of Public Law 105-220, the Workforce Investment Act of 1998 (WIA). The program provides a wide range of services and job training to people with disabilities who want to work. To be eligible for VR services, a person must (1) have a physical or mental impairment that is a substantial impediment to employment; (2) be able to benefit from VR services in terms

of employment; and (3) require VR services to prepare for, enter, engage in and retain employment. The WIA requires that each eligible individual have an Individualized Plan for Employment (IPE).

Several sources of information on the WIA provisions may be found at the following websites: http://ici2.coled.umn.edu/ntn/default.html
http://www.usworkforce.org/wia

The National Rehabilitation Information Center (NARIC) may serve to connect the caller with the state Vocational Rehabilitation office; the telephone number for NARIC is 1-800-346-2742. In addition, the National Transition Network has several Parent Briefs describing services available from Rehabilitation Services Administration. They may be contacted at 612-626-8200 or http://ici2.coled.umn.edu/ntn/default.html

3. What work incentives exist and how might they be incorporated into transition planning?

Some special education students are eligible for Supplemental Security Income (SSI) work incentives through the Social Security Administration. These work incentives could be included in IEP development and support the transition process through community-based vocational training and other employment options. Eligibility requirements for SSI benefits are established by the Social Security Act and Regulations. To be eligible, a person, of any age, must have little or no income or resources, be considered medically disabled, and initially earning less than $500 gross monthly. Detailed information about eligibility and this program are available through local Social Security Offices. A publication entitled *Meeting the Needs of Youth with Disabilities: Handbook on Supplemental Security Income Work Incentives and Transition Students* (The Study Group, Inc., 1998) explains the program, benefits and strategies for incorporating it into the transition process. A companion document is entitled: *Meeting the Needs of Youth with Disabilities: Examples of Students with Disabilities Accessing SSI Work Incentives* (The Study Group, 1999).

In addition, the National Transition Network (NTN) has several publications describing benefits available under the Social Security System for individuals with disabilities. These Supplemental Security Income benefits include the Plan for Achieving Self-Support (PASS), Individualized Work Incentive Program, The Student Earned Income Exclusion, and Property Essential to Self-Support (PESS). NTN may be contacted at 612-626-8200 or http://ici2.coled.umn.edu/ntn/default.html
In addition, the telephone number of the Social Security office in your locality may be found by calling 1-800-722-1213.

4. What critical skills should students have if they plan to go to college?

As is true for any student desiring a college education, students with disabilities who plan to attend college should have completed a rigorous high school program and

achieved the standards set by their state or district for a regular diploma. Other college success skills include (but are not limited to):

- A goal or direction for what the student wants to do in terms of employment or career.
- Vocational or work experience during high school.
- Study skills to read critically, identify important information, take usable notes, plan and complete assignments.
- Self-advocacy skills to know his or her strengths, how his or her disability affects learning, the adaptations or modifications that facilitate learning and strategies for seeking assistance from peers, instructors and support systems.
- Knowledge about assistive technology to make learning easier.
- Ability to make constructive choices about social situations, friends, use of time, fitness and a healthy lifestyle.

The National Clearinghouse on Post-Secondary Education for Individuals with Disabilities (HEATH Resource Center) is a resource for information and materials for students with disabilities planning to engage in post-secondary education. Their toll-free number is 800-544-3284 and their website is: www.heath-resource-center.org

Section VI:
Federal and State Monitoring Systems for Transition Requirements

The Office of Special Education Programs (OSEP) provides guidance to State Education Agencies on monitoring the implementation of all provisions of IDEA, with particular emphasis on those areas most critical to improved educational outcomes for students with disabilities. In 1993, OSEP began monitoring the implementation of the transition services requirements of IDEA after the federal regulations were issued on September 29, 1992 for Public Law 101-476, the Individuals with Disabilities Education Act of 1990. On March 3, 1995, OSEP issued Memorandum 95-13, Monitoring Procedures of the Office of Special Education Programs. Recognizing the importance of transition services to the educational outcomes of students with disabilities, OSEP identified "the development of a statement of needed transition services no later than age 16" as one of four requirements toward which it would direct its future monitoring efforts. The memorandum stated that it expected the states and entities to also emphasize the transition services requirements in their monitoring efforts (U.S. Department of Education, 1995). In the 18th Annual Report to Congress on the Implementation of IDEA, OSEP reiterated its position declaring:

> "OSEP places the highest priority on compliance with those IDEA requirements that have the strongest relationship with improved services and results for students with disabilities and their families. Based largely on results of the National Longitudinal Transition Study[1], OSEP has determined that the requirements with the strongest links to results and general supervision include those addressing statements of needed transition services for students with disabilities beginning no later than age 16 (and younger, if determined appropriate)." (U.S. Department of Education, 1996)

At the annual Monitoring Academy in May 1999, OSEP disseminated its *Continuous Improvement Monitoring: 1999-2000 Monitoring Manual* (U. S. Department of Education, 1999). During the academy and throughout the document, OSEP emphasizes that its monitoring process is multi-faceted, continuous, data-driven, based on partnerships with key stakeholders, and premised on ensuring improved results for infants, toddlers, children, and youth with disabilities. The OSEP Monitoring Manual includes Appendix A identifying Secondary Transition as a critical component of its monitoring

process. The document lists the objective that "all youth with disabilities, beginning at age 14 and younger, when appropriate, receive individualized, coordinated transition services, designed within an outcome-oriented process which promotes movement from school to post-school activities." The two components cited to meet this objective are "(1) appropriate services are provided to prepare youth with disabilities for employment, post-secondary education, independent living, community participation and life skills; and (2) youth with disabilities are actively involved in appropriate transition planning." It is clear that OSEP has placed significant value on transition in its monitoring efforts.

During the past several years, studies have investigated state and district compliance with the IDEA 1990 federal requirements for needed transition services (Lawson & Everson, 1993; deFur, Getzel, & Kregel, 1994; Grigal, Test, Beattie, & Wood, 1997; Hasazi, Furney, DeStefano, and Johnson, 1999; Williams & O'Leary, in press). All of the studies found that states and local districts experienced some difficulties in implementing the transition provisions of IDEA. The majority of the difficulties center on:

- Addressing the required components of statements of needed transition services (instruction, community experiences, the development of employment and other adult living skills, and interagency linkages).
- Inviting students as well as other agencies likely to be responsible for providing or paying for transition services to the IEP meeting.
- Developing a coordinated set of activities designed to promote movement to the student's desired post-school activity.
- Identifying student's desired post-school outcomes.
- Specifying the linkages and responsibilities with outside agencies or service needs after the student graduates.
- Indicating invitation of the student or other agencies and indicating that the purpose of the meeting would be consideration of transition services on parent notices.

Even though the transition requirements have been in place since 1990, the results of these studies indicate that there is still much room for improvement in the implementation of those requirements. The intent of this monograph is to provide a resource to assist practitioners in designing a coordinated constellation of services which will enable students to move from the school setting to the post-school activities best matching their interests, goals, preferences, and needs.

[1] The National Longitudinal Transition Study identified several factors as strong predictors of post-school success in living independently, obtaining employment, and earning higher wages for youth with disabilities. These include high school completion, participation in regular education with appropriate supplementary aids and services and access to secondary vocational education, including work experience.

Section VII:
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Appendices

Sample Individualized Education Plan (IEP)

The following IEP sample reflects but one way to present an IEP and contains components that have worked well for some systems. It is critical to remember that each IEP must be individualized and based on the needs of the particular student. For a complete description of IEP content required by IDEA '97, please refer to the Final Regulations §300.347. In addition, be sure to check with your district and/or state for recommended or required IEP forms or processes.

Individualized Education Program

A. Student Name (Last, First, MI)	Birthdate (month/day/year)	Sex
Schooler, Maureen H.	*12/27/83*	[ ] M [X] F

Current Grade	Student's Primary Language or Communication Mode
9	*English*

Current Address	City	State	Zip	Phone Number
1234 West Here Street	*Nice Town*	*ND*	*12345*	*555-222-3333*
Serving School	**City**	**State**	**Zip**	**Phone Number**
Desert Valley Senior High	*Nice Town*	*ND*	*12345*	*555-123-4567*

Resident School (If different from serving school)	Student Social Security Number (Optional)
Same	*123-45-6789*

School District of Residence (If different from serving district)	Check items that apply.	
Same	[X] Open Enrolled in same district	[ ] Agency Placed
	[ ] Open Enrolled in another district	[ ] Home Education

B. Name of Parent(s)	Home Telephone Number	Other Telephone Number
Teddy and Matilda Schooler	555-222-3333	*None*

Address (if other than Student's Current Address)	Primary Language at Home
Same	*English*

Is there a Guardian/Educational Surrogate/Foster Parent [ ] Yes [X] No Name:
[ ] Guardian [ ] Educational Surrogate [ ] Foster Parent

Address	City	State	Zip
N/A	*N/A*	*N/A*	*N/A*

C. IEP Case Manager	Telephone Number
Henrietta Harvey	*555-999-8888*

IEP Type	Date of Last Comprehensive Individual Assessment Report (month/day/year)
[ ] Initial [X] Annual	*5/23/98*

D. Date of IEP Meeting (month/day/year) *5/16/99*	List Names of All Team Members	Check Attendance
*Parent	*Teddy Schooler*	[X] Yes [ ] No
Parent	*Matilda Schooler*	[X] Yes [ ] No
Student	*Maureen Schooler*	[X] Yes [ ] No
Administrator/Designee	*Joe Smith*	[X] Yes [ ] No
Special Ed Teacher	*Jane Lakeman*	[X] Yes [ ] No
General Ed Teacher	*Ellie Math*	[X] Yes [ ] No
Representative of district of residence	*Carol Burkett, Special Education*	[X] Yes [ ] No
Vocational Rehabilitation Counselor	*Christine Fullerton*	[X] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

* If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.

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E. Students Desired Post School Outcomes, ages 14-21 (or younger, if appropriate)

Employment: *I would like to work with or teach children who have disabilities; no job supports are anticipated.*

Community Participation: *I intend to remain independently involved in church and may volunteer with various community activities of interest.*

Recreation & Leisure: *I will stay active in group activities (bowling, music, sport events) and independent activities (sewing, reading, roller-blading) with no need for supports.*

Post Secondary Training & Learning Opportunities: *I will attend a liberal arts college program to work with children; funding & academic supports may be appropriate.*

Independent Living: *I will be capable of living independently in a dorm, apartment or alone.*

F. Present Levels of Educational Performance

The statement of present levels of educational performance is an integrated summary of information from all sources including the student's family. Summarize and discuss parent information and student progress toward previous goals and objectives. Include the parents' perspectives and insights about their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole child. The statement should include current information about the student's specific strengths and weaknesses, progress in the general education curriculum, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- ✔ Cognitive functioning
- ✔ Communicative status
- ✔ Sensory status
- ✔ Emotional and social development, behavior skills (including adaptive behavior, if applicable), and ecological factors
- ✔ Academic performance
- ✔ Motor ability
- ✔ Health/physical status

Maureen is currently functioning in the average range of intelligence according to the WISC III administered on 5-23-98. Her strengths are in the area of short and long-term memory and problem solving. Her learning disability in the areas of reading comprehension and written expression require accommodations in her general education classes described in Section G. Maureen's oral expression skills are a strength for her as are her interpersonal skills. Academically, she has maintained Bs with a C in Biology for the second semester of her 9th grade year. She met her IEP goals for the 98-99 academic year.

Address the present levels of performance in each of the following domains with documentation of student needs, preferences and interests and identified by what method this information was obtained.

Jobs and Job Training

Maureen volunteered at the Busy Bee Child Development Center during her 9th grade year. She worked primarily with the three-year-olds. Her supervisor reported that she was dependable and reliable and related very well with the students. Based on the California Occupational Preference Survey (COPS), her goal of working in child care appears to be an appropriate choice.

By what method was this obtained: *Interview with job supervisor*

Recreation and Leisure

Maureen is athletic; she is on a junior bowling league and enjoys rollerblading.

By what method was this obtained: *Interview with Maureen and her parents*

Home/Independent Living

Maureen is independent at home now and intends to pursue living on her own after graduation.

By what method was this obtained: *Interview with Maureen and her parents*
Woodcock-Johnson Scale of Independent Behavior

Community Participation

Maureen is quite active in church activities at this time.

By what method was this obtained: *Interview with Maureen*

Post-Secondary Training and Learning Opportunities

Maureen wishes to attend a post-secondary liberal arts college, majoring in Child Development. She is exploring both 2-year and 4-year institutions at this time and considering earning an AA + certificate first.

By what method was this obtained: *Interview with Maureen*

Related Services

Maureen has not received related services since the elementary grades (K-3) when she received Speech and Language therapy for 2x/week for 30 minutes. She was discharged at the end of third grade.

By what method was this obtained: *Review of school records*

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(F. Present Levels of Educational Performance, continued)

Considerations the IEP team must address

A. Does the student exhibit behaviors that impede his or her learning or that of others?

[X] **No**

[ ] **Yes** - Consider strategies including positive behavior interventions, strategies, and supports in the IEP.
If yes, what are recommendations to address these needs?

B. Does the student have limited English proficiency?

[X] **No**

[ ] **Yes**

If yes, what are recommendations to address these needs?

C. Is the student blind or visually impaired?

[X] **No**

[ ] **Yes** - but the student *does not* need Braille/Braille instruction based on the student's current and future reading and writing skills and needs.

[ ] **Yes** - and the student needs Braille/Braille instruction based on the student's current and future reading and writing skills and needs.

If yes, what are recommendations to address these needs?

D. Is the student deaf or hearing impaired?

[X] **No**

[ ] **Yes** - Consider the child's language and communication needs, opportunities for direct communication with peers and professionals in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode.

If yes, what are recommendations to address these needs?

E. Does the student have other communication needs?

[X] **No**

[ ] **Yes** - Consider the strategies to address communication needs of the student.

If yes, what are recommendations to address these needs?

F. Does the student require assistive technology devices and services?

[ ] **No**

[X] **Yes** - Consider the assistive technology needs of the student.
If yes, what are recommendations to address these needs?

Algebra: calculator for completion of assignments, quizzes and tests.
Child Development, English, Advanced Biology: tape recorder to record class lectures and demonstrations.

A

G. Statement of Transition Service Needs (ages 14-21, or younger if appropriate)

School Year	Grade Level	List Courses to be taken each year	Credits Earned
	Grade 8		
	Grade 9		6
99-00	Grade 10	Child Development (1/2), English 10 (1), Band (1), Phy Ed (1/2), Spanish I (1), Algebra (1), Adv. Biology (1), Resource Room (1)	7 (13)
00-01	Grade 11	English 11 (1), Spanish II (1), Geometry (1), Band (1), Phy Ed (1/2), Family & Consumer Science I (1/2), Chemistry (1), Resource Room (1)	7 (19)
01-02	Grade 12	Psychology (1/2), English 12 (1), Algebra II (1), Band (1), Cooperative Work Experience (11/2), Phy Ed (1/2), US History (1/2), Resource Room (1)	6 (24)
Ages 18-21			

Total number of credits required by this district for graduation: 21 Anticipated month and year of graduation: May 2002

Will this student graduate with fewer credits than required of all students by the district? [ ] Yes [X] No

If yes, identify graduation adaptations _____

H. Statement of Needed Transition Services (ages 16-21, or younger if appropriate)

Transition Services	Needs & Activities	Agency(ies) & Responsibilities	Provider & Payer
Instruction:	• Sp Ed supports in identified classes	• School district	• School district will provide identified supports
	• Modified ACT testing	• School district	• School district
	• Post secondary supports (academic)	• College of choice & Maureen	• College of choice
Community Experiences:	• Three job shadow experiences with children	• Coordinated by Case Manager and Maureen	• School District will provide services
	• Visit three colleges which offer program of interest	• Maureen & parents	• Maureen and her parents will be responsible for any expenses incurred to visit colleges
	• Open a checking/saving account at bank	• Maureen & parents	• Maureen and her parents will be responsible for any expenses incurred
Employment:	• Job preparation skills & review	• Coordinated by case manager and Maureen	• School district will provide services
	• Part time employment by personal job search and/or with assistance from Job Service if necessary	• Maureen & Job Service Counselor	• Maureen will incur any expenses to locate and find part time employment
Related Services: Maureen's IEP team identified no long-term needs in related services at this time.			
Adult Living & Post School:	• Apply for all possible college financial aid	• Maureen, parents, school guidance office	• School will provide services within limits of building, and Maureen/parents will incur expenses for mailings, etc.
	• Vocational Rehabilitation referral to determine eligibility for tuition assistance for college	• Maureen, parents and VR staff	• There is no expense to apply for VR services
	• Participate in home skills (make clothing & misc. purchases, cook 1 meal/week, help with laundry & misc. household chores)	• Maureen and parents	• Maureen and her parents will be responsible for any expense of this activity
	• Apply for college/DRS no later than 12/01	• Maureen and parents	• Maureen and parents
Daily Living: (if appropriate)			
Functional Vocational Assessment: (if appropriate)	• Review CHOICES to reaffirm vocational goal and review college information	• Maureen, Guidance office, Case Manager	• School district will provide this service there is no expense
	• Complete community & Independent living assessment		• There is no expense for this activity for the district

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Agency Collaboration & Responsibilities* (ages 16-21, or younger if appropriate)

School Year	Grade Level	Needed Service(s)	Agency & Contact Person	Who will contact & when	Timeline for delivery of service(s)	Results & Outcomes
99-00	10	Job seeking/placement assistance	Job service Counselor John Olson	Maureen, June 99	Summer 1999 to Spring 2000	Part time employment for summer 1999 & possibly to continue through school year
00-02	11-12	Eligibility determination	Vocational Rehabilitation Counselor Sue Smith	Maureen & parents	December 2000	Possible eligibility for services (tuition for college)
00-01	11	Referral to Independent Living Center	ILC Counselor Mary Jones	Case Manager, Maureen	May 2001	Independent Living and Community assessment to determine strengths and prepare for college/advocacy
01-02	12	Post-secondary academic supports	College Disability Support Services Staff	Maureen & parents	March 2002	Classroom & testing accommodations in college

* If any agency identified by the IEP team fails to provide services, the IEP team must reconvene as soon as possible to identify alternate strategies and amend the IEP as necessary. Document date of reconvened IEP meeting and results.

I. Annual Goals, Short-Term Objectives, and Characteristics of Services

Use one page for each annual goal. Thoroughly state the annual goal. Annual goals should be reasonably achieved in one year and should be unique to the student. Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

Annual Goal (behavior or skill, desired ending level of achievement, intent or purpose of the behavior): Goal # 1 of ____ goals

Maureen will fully participate in her Child Development course during her sophomore year, attaining the prescribed competencies with 80% accuracy or better.

Short-Term Instructional Objectives and Characteristics of Services:

List *objectives* for each goal including conditions under which the behavior is performed, the specific behavior, measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section J.

For each objective, consider and document the following *characteristics of services* information:
Does the performance specified in the objective(s) promote the child's involvement and progress in the general education curriculum?
How might services be modified to enable greater involvement and progress in the curriculum? Describe the needed modifications or adaptations.
If the child will not participate in the general education curriculum, provide a justification for the alternative selected. Describe the specially designed instruction (e.g., specially designed driver education) or supportive training related to the disability (e.g., braille instruction/occupational therapy).
Who will provide the modifications/adaptations OR the specially designed instruction/supportive training related to the disability described above?

Given each district-prescribed competency, Maureen will complete the competency with 80% accuracy or better. Data will be collected via classroom observation work samples, teacher and practicum supervisor, anecdotal records, portfolio, and teacher-made tests. Biweekly progress checks will be conducted and written reports sent to Maureen's parents based on the district's competency list for child development.

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Progress reporting to parents will occur at least as often as reporting in general education (report cards). Written reports will be provided every:

[ ] 6 weeks [X] 9 weeks [ ] Other schedule (specify: *Biweekly*)

J. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. credits, staff, transportation, facilities, materials, braille, equipment, technology, adaptive devices, curriculum, methods and other services). Include procedures for monitoring equipment, if applicable.

Maureen will be provided with extended time on tests in her Child Development, Algebra and Advanced Biology classes. She will be provided with preferential seating in Spanish I. She will be provided with taped texts for English 10 and multiple choice or short answer tests rather than essay. She may tape record lectures in Child Development, English 10, and Advanced Biology and use a calculator for Algebra. She may also have syllabi in advance and guided notes if desired.

Assistive Technology MUST be considered for each student with a disability.
Does the student need assistive technology devices and services to access the general education curriculum (or FAPE)?
[ ] No [X] Yes **If "Yes" is checked, explain.**

Algebra: calculator for completion of assignments, quizzes and tests.
Child Development, English, Advanced Biology: tape recorder to record class lectures and demonstrations.

Describe the student's participation in district-wide and statewide assessment.
[ ] Student will participate without accommodations.
[X] Student will participate with accommodations specified below: [Note: Some students may participate in portions of district/statewide assessments.]

Scheduling: extended time only

[ ] Student will participate in alternate assessment. Justification for not participating in district or statewide assessments and the description of alternate assessment **must be provided**.

Positive Behavior Interventions and Strategies.

Do the Present Levels of Educational Performance include a description of problem behavior that
impedes the student's learning or the learning of others? [ ] Yes [X] No
Does the student's disability limit his/her understanding of school rules and consequences? [ ] Yes [X] No
Does the student's disability limit or influence his/her ability to follow school rules? [ ] Yes [X] No

If "Yes" is checked for any of the above questions, then the components of a Behavior Intervention Plan must be documented.
Documentation of Behavior Intervention Plan can be found:
[ ] in goals and objectives [ ] in adaptations section [ ] in an attachment

K. Description of Activities with Students Who Are Not Disabled

Physical Education. Indicate type of physical education program that the student receives:
[X] regular P.E. [ ] adaptive/specially designed P.E. (include specific goals and objectives in Section I)

Participation in Academic and Nonacademic Activities:
Check any program options in the boxes below in which the student will be participating with students who do not have disabilities.

Program Options. **Comments:**

[ ] Art [ ] Industrial Arts
[X] Music *(Band)* [X] Vocational Education *(Child Development)*
[ ] Home Economics [X] Other *(English 10, Algebra, Advanced Biology, Spanish I)*

Nonacademic and Extracurricular Services and Activities. **Comments:**

[ ] Counseling [ ] Meals
[X] Employment Referrals [ ] Recess
[X] Athletics *(Tennis Team)* [ ] Recreation
[ ] School Sponsored Clubs [ ] Special Interest Groups
[ ] Transportation [ ] Other_____

L. Least Restrictive Environment Justification

This page is intended as a SUMMARY for all Goals, Objectives, Characteristics of Services, Adaptations, and Special Education and Related Services information included in sections I, J & L. Check all settings in which the special education and related services will be provided.

SETTING:	Percent of time/week
[X] A. Regular Education Classroom	6 periods 86%
[ ] B. Limited special services in Regular Education classroom	
[X] C. Resource Room	1 period 14%
[ ] D. Separate Class	
[ ] E. Public separate school (day) facilities	
[ ] F. Private separate school (day) facilities	
[ ] G. Public residential facilities	
[ ] H. Private residential facilities	
[ ] I. Correction facilities	
[ ] J. Homebound/hospital environments	
	TOTAL: 100%

Before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the students placement in the regular classroom setting must be considered. In all cases, placement decisions must be individually determined on the basis of each child1s abilities and needs, and not solely on factors such as category of disability, significance of disability, availability of special education and related services, configuration of the service delivery system, availability of space or administrative convenience. Explain why options selected above are the most appropriate and the least restrictive. Describe other options considered and provide reasons those options were rejected.

Maureen will participate in one period per day of Special Education Services in the resource room for the purpose of academic support in her regular education classes. Given her current course load this period of support is necessary. Removal from the regular education setting during this time will not be harmful.

Is there a potential harmful effect to the student with this placement? [ ] Yes [X] No

Is there a potential harmful effect to the student's peers with this placement? [ ] Yes [X] No

If yes to either question, make sure the explanation for the selection of the placement option documents this concern for potential harmful effect.

M. Special Education and Related Services

*Services	Min./ Week	Starting Date Ending Date	Service Provider and Telephone	Location of Services Building Name AND Room (if another school district, provide district name)
Resource Room	45 Minutes	5/16/99-5/16/00	Jane Lakeman	Desert Valley High School Room C 25
Rehabilitation Counseling	1 x/mo 45 Minutes	9/16/99-5/16/00	Christine Fullerton	ND Rehabilitation Services

* The duration of these services may not exceed one year (12 months) from the date of this IEP.

Length of school day:

[X] The student will attend for the full school day.

[ ] The student will attend for a shorter or longer school day than peers. (Explain why this is necessary.)

Extended school year MUST be considered for each student with a disability. Justification for the decision made MUST BE STATED BELOW.

[ ] The review of each goal indicates that an extended school year is needed.

[X] The review of each goal indicates that services will be in effect for the normal school year.

[ ] The team needs to collect further data before making this determination and will meet again by _____

Justification for the above decision:

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Sample Letter Inviting the Student

(Edit to fit the particular conditions of the student's IEP meeting and print on school letterhead)

(Date)

Dear _____:
(Student Name)

You are invited to attend a meeting to develop your Individualized Education Program (IEP). The meeting will be held _____ (date and time) in _____ (location).

One of the purposes of the meeting will be to address your transition needs (develop/design a Statement of Transition Service Needs and, if appropriate, a Statement of Needed Transition Services). Based on your preferences, needs and interests, we will be discussing and deciding on the courses of study and other educational experiences and activities that will help you reach your post-school goals and participate in the post-school activities of your choice. We will also talk about possible links you may need to adult or community services.

Along with your parent(s), other individuals will also be invited to attend this meeting. These will include individuals such as your teachers, counselor, transition specialist, a representative from your school district, representatives from other agencies outside of the school and individuals that you or your parents will invite to the meeting. We will:

- Discuss the type of career you are interested in pursuing and where and how you would like to live after high school.
- Discuss a plan for the next _____ (4, 3, 2) years that describes your post-school goals and the courses, activities, agencies and people who will help you achieve these post-school goals.
- Determine the courses, school and community activities and supports that will help you achieve your goals for after high school.

In addition to you and your parent(s), we have invited the following people to attend this meeting:

Name _____	Position/Agency _____
Name _____	Position/Agency _____
Name _____	Position/Agency _____
Name _____	Position/Agency _____
Name _____	Position/Agency _____

Please let me know whether the date and time are convenient for you by returning the attached response slip to me by _____(date). Also, please let me know if there are other people you would like to invite to your IEP meeting – for example, your employer, neighbor or a friend. If you have any questions about this letter or the meeting, please give me a call at _____(phone number) or stop by my office in Room _____(location).

We look forward to working with you to help you reach your personal and professional goals.

Sincerely,
(Name/Title)

Student Response to IEP Meeting Invitation

❑ Yes, I will be attending my IEP meeting to discuss my transition service needs and, if appropriate, needed transition services on _____ at _____ in Room _____.
(Date) (Time) (Location)

❑ Yes, I would like to attend my IEP meeting, but please contact me at the following telephone number _____ to reschedule the meeting.

❑ No, I would not like to attend my IEP meeting, but I wish to share my long-term career interests and goals with you prior to the meeting to assist with planning for my future. Please contact me.

_____ _____
Signature Date

Sample Letter Inviting Parents/Guardians

(Edit to fit the particular conditions of the student's IEP meeting and print on school letterhead)

(Date)

Dear _____:
(Parent/Guardian Name)

You are invited to attend a meeting to develop your son/daughter's Individualized Education Program (IEP). The meeting will be held at _____ (date/time) in _____ (location). One of the purposes of the meeting is to develop _____'s (student's name) Statement of Transition Service Needs and, if appropriate, a Statement of Needed Transition Services. Based on _____'s preferences, needs, and interests, we will be discussing the courses and activities both in and outside of school that will help him/her reach his/her career goals and participate in the post-school activities of his/her choice.

Along with you and your son/daughter, _____, we have invited the following people to attend this meeting:

Name _____ Position/Agency _____
Name _____ Position/Agency _____
Name _____ Position/Agency _____
Name _____ Position/Agency _____
Name _____ Position/Agency _____

You may also invite other individuals who have knowledge or special expertise regarding your son or daughter's educational needs.*

During this meeting, we will do the following:

- Discuss your son/daughter's post-school goals and need for post-school services, supports or programs.
- Develop a plan for the next school year that describes you're your son/daughter's post-school goals and the courses, activities, agencies and people who will help your student achieve these post-school goals.
- Determine the courses, educational experiences, school and community activities to help your son/daughter attain his/her post-school goals.

Please let me know whether the date and time are convenient for you by returning the attached response slip to me by _____ (date). Also, please let me know if there are other people you will be inviting (or would like me to invite) to _____'s (student's name) IEP meeting, and I will facilitate the arrangements for the meeting.*

If you have any questions about this letter or the meeting, please give me a call at _____. We look forward to working with you to help _____ (student's name) attain his/her personal and professional goals.

Sincerely,
(Name/Title)

** if your son or daughter has been granted, under state laws, the rights of majority, these paragraphs do not apply to you*

Parent/Guardian Response to IEP Meeting Invitation

❑ Yes, I will attend the IEP meeting on _____ at _____ in Room _____.
(Date) (Time) (Location)

❑ Yes, I would like to attend _____'s IEP meeting, but please contact me at
(Student's Name)
the following telephone number _____ to reschedule.

❑ No, I would not like to attend the IEP meeting, but I wish to share my input about _____'s long-term post-school interests and goals with you prior to
(Student's Name)
the meeting and assist with planning for his/her future. Please contact me at the following number: _____.

_____ _____
Signature Date

Sample Letter to Agency Representatives

(Print on school letterhead)

(Date)

(Name/Address)

Dear _____:

As we discussed during our telephone conversation on _____(date), we have identified your agency as one which is critical to assist in the planning for the transition services for one of our students, _____ (student's name). Specifically, we would like to have you assist in developing a plan to meet the post-school goals and needs of this student. As a member of the IEP team, we will ask you to explore the services, supports and/or programs that your agency might be able to provide in the transition of this young adult to help him/her realize his/her post-secondary goals.

We have scheduled _____'s (student's name) Individualized Education Program (IEP) meeting for_____, (date) at_____(time), in _____(location).

One of the purposes of the meeting is to design a Statement of Needed Transition Services that will help _____(student's name) meet his or her post-school goals. During this meeting, based on_____'s (student's name) needs, preferences and interests, we will do the following:

- Discuss _____'s (student's name) post-school goals and need for post-school services, supports or programs.
- Discuss a plan for the next _____ (4, 3, 2) years that describes the student's post-school goals and the courses, activities, agencies and people who will help him or her achieve these post-school goals.
- Determine the courses, school and community activities and supports that will help the student achieve his or her goals for after high school.

Along with _____ (name of student) and his/her parents/guardians, we have invited the following people to attend this meeting:

Name _____	Position/Agency_____
Name _____	Position/Agency_____
Name _____	Position/Agency_____
Name _____	Position/Agency_____
Name _____	Position/Agency_____

Please let me know whether the date and time are convenient for you by contacting me by telephone at_____, by e-mail at_____, or by returning the attached response slip. If you are unable to join us, please let me know the best way to engage your agency in planning for the transition services that will meet_____'s (student's name) goals.

We appreciate your time and commitment to establish the linkages with your agency to enable _____ to attain his or her personal and professional goals.

Thank you.

Sincerely,
(Name/Title)

Agency Representative Response to IEP Meeting Invitation

❑ Yes, I will attend the IEP meeting on _____ at _____ in Room _____.
(Date) (Time) (Location)

❑ Yes, I would like to attend _____'s IEP meeting, but please contact me at
(Student's Name)
the following telephone number _____ to reschedule.

❑ No, I would not like to attend the IEP meeting, but I wish to share my input about _____'s long-term post-school interests and goals with you prior to
(Student's Name)
the meeting and assist with planning for his/her future. Please contact me at the following number: _____.

_____ _____
Signature Date

Follow-up Letter to Agency Representative

(This letter may be used to supplement the agency linkages and responsibilities documented on the student's IEP)

(Edit to fit the particular conditions of the student's IEP meeting and print on school letterhead)

(Date)

(Name/Address)

Dear _____:

Thank you very much for attending _____'s Individualized Education Program (IEP) meeting on _____ at _____.

As we agreed, the linkages with your agency and the commitment of the agency's resources are a critical component of _____'s (name of student) Statement of Needed Transition Services to assist him or her achieve his or her post-secondary goals.

During the meeting, we agreed that _____ will be responsible for providing or paying for the following transition services according to the timeline indicated below:

Type of transition services to be provided:

_____

_____

Starting and ending dates for services:

_____

_____

Name of service provider: _____

Thank you for agreeing to provide the services listed above. We will contact you on _____ to discuss the provision of these services and determine next steps for working together to help _____(student's name) in the transition from school to adult life.

If you have any questions or concerns, please feel welcome to contact me by mail at the address above, by telephone at _____ or by e-mail at _____.

Sincerely,
(Name/Title)

B

Sample Student Bill of Rights

(To be given both to the student and parent a year before and again when rights transfer.)

As a student with a disability, you have certain rights based on both Federal and State Laws. This document will help you understand your rights related to getting an education and other key issues. You should always speak to your teacher, school case manager, and parent first if you need further information or are having a problem with asserting any of the rights listed here. If you need additional help, check with your teacher for agencies to contact.

Students who are eligible for special education have the right to:

- A free appropriate public education through age 21 or high school graduation with a regular high school diploma, whichever comes first.
- Have a statement of transition service needs included in their IEPs at least by age 14 (or younger, if determined appropriate by the IEP team).
- Have a statement of needed transition services in their IEPs at least by age 16 (or younger, if determined appropriate by the IEP team). Transition services are strategies to prepare students for successful adult life.
- Attend and participate in their IEP meetings at any age if a purpose of the meeting will be the consideration of the student's transition service needs, the needed transition services or both.
- Be educated with children who are not disabled to the maximum extent appropriate.
- If your state transfers rights at the age of majority, then the student has the right to be informed, at least one year before he or she reaches the age of majority, that all parental rights under state law will transfer to the student when he or she reaches the age of majority.

(Note: the following process will vary from state to state. Be sure to make appropriate changes).

If you need more information or have a problem asserting any of these rights, first speak to your teacher, school case manager or parent. If you need additional help, you (or your parent if you are not yet at the age of majority) have the right to ask for mediation and, if needed, an impartial due process hearing. Look at a copy of the "parental rights in special education" booklet your school should give you. Details about these procedures and the forms you will need are in this booklet. A request for mediation or for a due process hearing should be mailed to the director of the office of special education programs (include address). The request must state the problem and the solution you want. It must also show that a copy of the request was sent to the district.

Adapted from and used with permission from the New Jersey Department of Education, Office of Special Education Programs.

People with disabilities have the right to:

- Be provided with appropriate accommodations to meet their needs in order to benefit from their education. (Section 504 of the Rehabilitation Act)

  If you need more information or have a problem asserting this right, contact the (name of the state) department of education, office of special education programs at (give phone number), or call the office for civil rights at (give the phone number).

- Not be discriminated against because of their disabilities in the areas of:
  1) employment.
  2) public service and transportation.
  3) public accommodations.
  4) telecommunications. (The Americans With Disabilities Act, or ADA)

  For further information about the ADA, call the (give appropriate office and phone numbers, both voice and TDD).

- Get help in preparing for, obtaining and keeping a job after graduation from high school (regardless of the severity of their disabilities). After being determined eligible for services, the (state) Division of Vocational Rehabilitation Services (DVRS) provides this assistance. (Rehabilitation Act and any relevant state laws)

  Students can have their eligibility for DVRS services determined up to two years prior to leaving high school. Students should speak to their case manager about this process, or contact a DVRS office that is located near their home. The phone number for local DVRS offices can be obtained from your case manager or the blue pages of the phone book listed under (provide appropriate reference).

  If you have a problem with using DVRS services, ask to speak with a supervisor or the office manager. If you need further assistance, contact the client assistance program at (give appropriate toll free numbers).

Adapted from and used with permission from the
New Jersey Department of Education,
Office of Special Education Programs.

Sample
Notice of Transfer of Parental Rights
to be Provided to Both the Student and the Parents

Student's Full Name _____
Identification Number _____
Birthdate _____ Age _____ Grade _____
School _____
Date _____

Dear _____ (Parent) and _____ (Student),

_____ (Student) will turn 18 on _____ (Month/Day/Year).

The state of _____ transfers rights to individuals at the age of majority. Therefore, all parental rights will transfer to the student and he/she becomes responsible to make all decisions regarding future educational services, unless a legal guardian or conservator has been appointed. If a guardian or conservator has been appointed, please notify the IEP coordinator. Parent(s) will continue to receive any future notices required by state and federal laws and rules regarding educational programming. If you have questions, you may contact me.

_____
IEP Coordinator Position Telephone

_____
Address

Enclosed: Parent Rights and Procedural Safeguards brochure.

Copies: Student
Parent
IEP Coordinator

This form is available in several languages, Braille or other formats.
Contact _____, the director of special education at _____ (phone number).

Adapted from and used with permission from Minnesota Department of Children, Families & Learning.

Student Rights upon reaching the age of majority	Student Responsibilities upon reaching the age of majority
I have the right to know what my disability is and how it affects my ability to learn, live independently and be part of a lifelong learning system.	It is my responsibility to ask questions, request help, seek self-advocacy training and peer support so that I can learn about my disability and advocate for my needs.
I have the right to be provided information regarding assessment, services and Individualized Education Program (IEP) in a language and format that I understand.	It is my responsibility to ask questions until I understand.
I have the right to participate in my IEP meetings.	It is my responsibility to attend all meetings and actively participate in planning for my adult life.
I have the right to have individuals who understand my disability serve on my IEP team.	It is my responsibility to invite people (i.e., friend, parent, grandparent, coach, teacher) I trust and who know me well.
I have the right to accept or refuse services.	It is my responsibility to understand that refusing services may affect my school/work program, and that I may not get these services back.
I have the right to disagree with my IEP and to receive help in writing a complaint, requesting mediation or a due process hearing.	It is my responsibility to follow through and be cooperative with any process that I request.

Adapted from and used with permission from the Minnesota Department of Children, Families and Learning.

IDEA 1997: Transition Related Amendments and Final Regulations

The language provided here represents only those portions of the statute (left column) and final regulations (right column) that pertain to the planning and delivery of transition requirements. The full statute and regulations may be downloaded from the world wide web at the following address: http://www.ideapractices.org/lawandregs.htm. The text in this section contains only direct quotes from the statute and final regulations. No interpretation is included in this section. This section was developed by the National Transition Network.

Individuals with Disabilities Education Act 1997 Amendments (P.L. 105-17)

Section 601 (d). Purposes.

(d) PURPOSES- The purposes of this title are—

(1) (A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

(2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

Section 602(30). Definitions.

(30) TRANSITION SERVICES.-- The term 'transition services' means a coordinated set of activities for a student with a disability that—

(A) is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based upon the individual student's needs, taking into account the student's preferences and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

IDEA 1997 Final Regulations

(IDEA 1997 final regulations took effect 5/11/99)

Section 300.1 Purposes.

The purposes of this part are—

(a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

(b) To ensure that the rights of children with disabilities and their parents are protected;

(c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and

(d) To assess and ensure the effectiveness of efforts to educate children with disabilities.

Authority: 20 U.S.C. 1400 note

(Independent Living. **Appendix A, III, page 12474:** Section 701 of the Rehabilitation Act of 1973 describes the philosophy of independent living as including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society. Because many students receiving services under IDEA will also receive services under the Rehabilitation Act, it is important, in planning for their future, to consider the impact of both statutes.)

Section 300.29 Transition services.

(a) As used in this part, *transition services* means a coordinated set of activities for a student with a disability that—

(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(3) Includes—

(i) Instruction;

(ii) Related services;

(iii) Community experiences;

(iv) The development of employment and other post-school adult living objectives; and

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Individuals with Disabilities Education Act 1997 Amendments (P.L. 105-17)

Section 612 (a)(1)(B). Free Appropriate Public Education.

(B) LIMITATION—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children:

(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility:

(I) were not actually identified as being a child with a disability under section 602 (3) of this Act; or

(II) did not have an individualized education program under this part.

IDEA 1997 Final Regulations

(IDEA 1997 final regulations took effect 5/11/99)

(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

Authority: 20 U.S.C. 1401(30).

Section 300.122 Exception to FAPE for certain ages.

(a) *General.* The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

(1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in one or more of those age groups.

(2) (i) Students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—

(A) Were not actually identified as being a child with a disability under Section 300.7; and

(B) Did not have an IEP under Part B of the Act.

(ii) The exception in paragraph (a)(2)(i) of this section does not apply to students with disabilities, aged 18 through 21, who—

(A) Had been identified as a child with a disability and had received services in accordance with an IEP, but who left school prior to their incarceration; or

(B) Did not have an IEP in their last educational setting, but who had actually been identified as a "child with a disability" under Section 300.7.

(3) (i) Students with disabilities who have graduated from high school with a regular high school diploma.

(ii) The exception in paragraph (a)(3)(i) of this section does not apply to students who have graduated but have not been awarded a regular high school diploma.

(iii) Graduation from high school with a regular diploma consitutes a change in placement, requiring written prior notice in accordance with Section 300.503.

(b) *Documents relating to exceptions.* The State must have on file with the Secretary—

(1)(i) Information that describes in detail the extent to which the exception in paragraph (a)(1) of this section applies to the State; and

(ii) A copy of each State law, court order, and other documents that provide a basis for the exception; and

(2) With respect to paragraph (a)(2) of this section, a copy of the State law that excludes from services under Part B of the Act certain students who are incarcerated in an adult correctional facility.

Authority: 20 U.S.C. 1412(a)(1)(B).

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Section 614(d)(6). Individualized Education Programs

(6) CHILDREN WITH DISABILITIES IN ADULT PRISONS—

(A) IN GENERAL- The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(i) The requirements contained in section 612 (a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments).

(ii) The requirements of sub-clauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

(B) ADDITIONAL REQUIREMENT- If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612 (a)(5)(A) and 614 (d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

Section 614(d)(1)(B). Individualized Education Program Team – The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of --

(i) the parents of a child with a disability;

(ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

(iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;

(iv) a representative of the local educational agency who –

(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(II) is knowledgeable about the general curriculum; and

(III) is knowledgeable about the availability of resources of the local educational agency;

(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(vii) whenever appropriate, the child with a disability.

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Section 300.311(b) and (c) FAPE requirements for students with disabilities in adult prisons.

(b) *Requirements that do not apply.* The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(1) The requirements contained in Section 300.138 and Section 300.347(a)(5)(i) (relating to participation of children with disabilities in general assessments).

(2) The requirements in Section 300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(c) *Modifications of IEP or placement.*

(1) Subject to paragraph (c)(2) of this section, the IEP team of a student with a disability, who is convicted as an adult under State law and incarcerated in an adult prison, may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(2) The requirements of Sections 300.340(a) and 300.347(a) relating to IEPs, and 300.550(b) relating to LRE, do not apply with respect to the modifications described in paragraph (c)(1) of this section.

Authority: 20 U.S.C. 1412(a)(1), 1414(d)(6)

Section 300.344 (b) IEP Team.

(b) Transition services participants.

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

(i) The student's transition services needs under Section 300.347(b)(1);

(ii) The needed transition services for the student under Section 300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)(i) In implementing the requirements of Section 300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B)

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See IDEA 1997 Amendments Section 614(d)(1)(B)

Section 300.345 Parent participation.

(a) *Public agency responsibility — general.* Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) *Information provided to parents.*

(1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in Section 300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in Section 300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in Section 300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) *Other methods to ensure parent participation.* If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) *Conducting an IEP meeting without a parent in attendance.* A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its

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attempts to arrange a mutually agreed on time and place, such as-

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) Use of interpreters or other action, as appropriate. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

Authority: 20 U.S.C. 1414(d)(1)(B)(i)

Section 614 (d)(1)(A)(vii). Individualized Education Programs

(vii) (I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced placement courses or a vocational education program);

(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615 (m)...

Section 300.347 (b),(c) and (d) Content of IEP.

(b) *Transition services.* The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) *Transfer of rights.* In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with Section 300.517.

(d) *Students with disabilities convicted as adults and incarcerated in adult prisons.* Special rules concerning the content of IEPs for students with disabilities convicted as adults and

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incarcerated in adult prisons are contained in Section. 300.311 (b) and (c).

Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii)

(Appendix A. Introduction, page 12470: The IEP requirements under Part B of the IDEA emphasize the importance of three core concepts: (1) the involvement and progress of each child with a disability in the general curriculum including addressing the unique needs that arise out of the child's disability; (2) the involvement of parents and students, together with regular and special education personnel, in making individual decisions to support each student's (child's) educational success, and (3) the preparation of students with disabilities for employment and other post-school activities.)

(Transition service needs/Needed transition services. **Appendix A, III.11, page 12474** *[provides clarification on the distinction between the two terms]*: The purpose of the [requirement in Section 300.347(b)(1)(i)] (statement of transition service needs by age 14) is to focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school. . . For example, for a child whose transition goal is a job, a transition service could be teaching the child how to get to the job site on public transportation...

Thus, beginning at age 14, the IEP team, in determining appropriate measurable annual goals (including benchmarks or short-term objectives) and services for a student, must determine what instruction and educational experiences will assist the student to prepare for transition from secondary education to post-secondary life.

The statement of transition service needs should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals. For example, a student interested in exploring a career in computer science may have a statement of transition services needs connected to technology course work, while another student's statement of transition services needs could describe why public bus transportation training is important for future independence in the community.

Although the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at least at the age of 14 years and review these areas annually. As noted in the Committee Reports, a disproportionate number of students with disabilities drop out of school before they complete their secondary education: ...

To help reduce the number of students with disabilities that drop out, it is important that the IEP team work with each student with a disability and the student's family to select courses of study that will be meaningful to the student's future and motivate the student to complete his or her education. . .

Thus, while Section 300.347(b)(1) requires that the IEP team

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Section 614 (d)(5). Individualized Education Programs.

(5) FAILURE TO MEET TRANSITION OBJECTIVES —If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(vii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

Section 615(m). Procedural Safeguards

(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY—

(1) IN GENERAL—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

(A) the public agency shall provide any notice required by this section to both the individual and the parents;

(B) all other rights accorded to parents under this part transfer to the child;

(C) the agency shall notify the individual and the parents of the transfer of rights; and

(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

(2) SPECIAL RULE—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

begin by age 14 to address the student's need for instruction that will assist the student to prepare for transition, the IEP must include by age 16 a statement of needed transition services under Section 300.347(b)(2) that includes "a coordinated set of activities..., designed within an outcome-oriented process, that promotes movement from school to post-school activities...

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Section 300.348 Agency responsibilities for transition services

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with Section. 300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

Authority: 20 U.S.C. 1414(d)(5); 1414(d)(1)(A)(vii)

Section 300.517 Transfer of parental rights at age of majority.

(a) *General.* A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)—

(1) (i) The public agency shall provide any notice required by this part to both the individual and the parents; and

(ii) All other rights accorded to parents under Part B of the Act transfer to the student; and

(2) All rights accorded to parents under Part B of the Act transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

(3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency shall notify the individual and the parents of the transfer of rights.

(b) *Special rule.* If, under State law, a State has a mechanism to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to his or her educational program, the State shall establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under Part B of the Act.

Authority: 20 U.S.C. 1415(m)

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